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No. 29

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. SCHAKOWSKY).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

March 3, 2010.

I hereby appoint the Honorable JANICE D. SCHAKOWSKY to act as Speaker pro tempore on this day.

NANCY PELOSI,

*Speaker of the House of Representatives.*

### PRAYER

Imam Abdullah Antepli, Duke University, Durham, North Carolina, offered the following prayer:

Peace be with you all. Please join me in prayers.

O God of all nations, look with favor upon this esteemed Congress. Guide these important decision makers with Your divine light. Be their source of strength and comfort. Enable them to serve You and glorify Your name by serving the citizens of this great Nation and to the entire humanity, regardless of their gender, ethnicity, or religion.

O God, make them Your instruments to deliver Your divine mercy and compassion. Bless them with Your openness and humility. Fill their hearts and minds with passion and determination to improve the quality of the lives of their fellow human beings. Grant them success in their efforts to wipe out poverty, ignorance, racism, and hate in this country and beyond.

O God, make these women and men peacemakers, healers and bridge builders, so urgently needed in our wounded and broken times. Give them the strength that they need to keep what needs to be kept. Give them the cour-

age that they need to change what needs to be changed. Give them the wisdom that they need to distinguish one from the other.

O God, if we forget You, do not forget us. In Your most holy and beautiful name we pray. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from New York (Mrs. MALONEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESIGNATION AS CHAIR OF COMMITTEE ON WAYS AND MEANS

The SPEAKER pro tempore laid before the House the following resignation as chair of the Committee on Ways and Means:

COMMITTEE ON WAYS AND MEANS,

Washington, DC, March 3, 2010.

Hon. NANCY PELOSI,

*Speaker of the House of Representatives,*  
Washington, DC.

DEAR MADAM SPEAKER: I respectfully request a leave of absence from my duties and responsibilities as Chairman of the Committee on Ways and Means until such time as the Committee on Standards completes its findings on the review currently underway.

CHARLES B. RANGEL.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

### WELCOMING IMAM ABDULLAH ANTEPLI

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina (Mr. PRICE) is recognized for 1 minute.

There was no objection.

Mr. PRICE of North Carolina. Madam Speaker, I wish to introduce to my colleagues my distinguished constituent and today's guest chaplain, Imam Abdullah Antepli. I also want to welcome in the gallery our many guests from the Duke University community, the Muslim community, the Turkish community, both from the triangle area of North Carolina and from the Washington area.

Imam Antepli has a long and distinguished record of faith-based and humanitarian service in countries ranging from his native Turkey to the Southeastern Asian nations of Burma and Malaysia. Since moving to the United States in 2003, he has been a true pioneer in the field of Muslim campus ministry, serving as the first Muslim chaplain at Wesleyan University and as the founding member of the Muslim Chaplains Association. He later served at Hartford Seminary, where he completed his doctorate on the challenges and opportunities facing the Muslim campus ministry in the United States.

In July 2008, he came to Duke University to serve as the school's first full-time Muslim chaplain. Although he has been on campus less than 2 years, he has made an enormous impact on the university community. His role is obviously to facilitate worship and study for the school's Muslim students, but he has taken on much more than that. He counsels students of all faiths, fosters understanding of the Muslim faith, and is much in demand as a speaker and a participant in a variety of community events. This is a

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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remarkable accomplishment at a time when religious differences still threaten to divide us from one another and from other nations.

I first met Imam Antepli last September at a meeting of Islamic study scholars in which he participated, and I was immediately struck by enthusiasm, his intellect and his readiness to engage. Throughout his career, he has truly exemplified the notion of faith in action and has made a habit of practicing the values of tolerance, understanding and respectful dialogue, which he preaches.

So, Madam Speaker, I am pleased on behalf of all of our colleagues to introduce and welcome Imam Abdullah Antepli to the House here today.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SERRANO). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

#### AFGHANISTAN, TO STAY OR TO GO

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. I am a proud Member of this institution. I believe in this Congress, and I believe in the Constitution of the United States. And I think moments arise in the history of this institution when we have to take a stand for the Constitution. That's why this Thursday I will introduce a privileged resolution that will call for Congress to reclaim its power under Article I, Section 8 as to whether or not we stay in Afghanistan.

Now, some people here may believe in that mission. I don't. Some people here may believe in the surge. I don't. Some people here may believe that we should stay there for as long as it takes to do whatever we want. I don't. I believe that Congress, though, needs to speak and to have a debate on Afghanistan and to be able to decide in our wisdom, if we so choose, to get out of Afghanistan, which is what I hope that we do.

But whether you're for it or against it, Congress finally will have a chance to have that debate because the privileged resolution is being introduced on Thursday. It will lay over the week, and next week we will finally have a debate over whether to stay in Afghanistan or leave. And I hope we vote to leave.

#### HOME DEPOT PROMOTES JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on Monday I will participate in a ribbon-cutting ceremony for Home Depot's Rapid Deployment Center. Located in the midlands of South Caro-

lina, this Rapid Deployment Center will not only create new jobs for South Carolinians, but it will also give Home Depot stores more flexibility to control the products on their shelves and keep these products in stock.

Detailed by Home Depot, the new Rapid Deployment Center is a 465,000 square-foot facility located in West Columbia. It will provide 220 full-time jobs at startup; and as more stores are added to the program, this will increase to 400 jobs. I want to thank Home Depot for their continuing economic contributions to our State, and I welcome these in addition to the positions of 2,660 Home Depot associates already in South Carolina. In these tough times, it's important for lawmakers to give businesses like Home Depot the tools they need to help small businesses create jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism. The prayers of America are with the people of Chile.

#### CBO'S RECOVERY ACT ASSESSMENT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, at a recent hearing of the Joint Economic Committee, the Director of the Congressional Budget Office, Douglas Elmendorf, testified that CBO's latest assessment of the Recovery Act found that it had increased our real GDP by as much as 3.5 percentage points, increased the number of people employed by between 1 million and 2.1 million people, and lowered the unemployment rate by as much as 1.1 percent. In short, the stimulus spending bill worked, but we need to do more to grow jobs now.

He also testified that one of the most powerful generators of job growth would be an employer tax credit for businesses that increased their payrolls similar to one I proposed in H.R. 4585 and to one Congress intends to send to the President. These historically difficult times and this growing, but fragile, economy cry out for us to take action, help create more private sector jobs, and get our economy working again for everyone.

#### THE THIRD FRONT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, as the war against international terrorism continues in Iraq and Afghanistan, I bring you news from the third front, the U.S.-Mexico border, the real inconvenient truth. Recently, the U.S. consular office in the border town of Reynosa, Mexico, closed indefinitely. U.S. officials are barred from the area. The reason, because there are kidnappings and murders and Old West-

style shoot-outs in the streets, all on account of violent drug lords fighting over turf on the poorest border.

The United States is not doing enough to stop the international drug cartels and the human smugglers. The greatest Nation on Earth is failing the American people by not adequately protecting the border. Drugs and people are going north, and money and guns are going south. The border has become a war zone that affects good people on both sides of the border. We're sitting on a powder keg that we ignore at our own peril. While we have troops overseas to protect the borders of foreign countries, we should be just as concerned about our own sovereign border.

And that's just the way it is.

#### CONGRATULATING UNIVERSITY OF NEW MEXICO'S LOBO MEN'S BASKETBALL TEAM

(Mr. HEINRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEINRICH. Mr. Speaker, I am proud to stand on the House floor today to congratulate our University of New Mexico Lobos men's basketball team for winning the 2010 Mountain West Conference Championship. In this truly remarkable season, the Lobos tied the school record for consecutive conference wins. This is the second consecutive year that the Lobos have won the conference championship. And the team recently cracked the Nation's top 10 in both the AP and ESPN/USA Today polls, a feat not accomplished in more than a decade.

To all the team members and to the academic all-American and team leader, senior Roman Martinez, and to all the UNM students, faculty and staff, I want to congratulate you on a tremendous season, and I look forward to your continued success in the rest of March Madness.

Finally, I want to wish the team good luck tonight in their game against TCU, and I join the rest of the Lobos nation in declaring, "Everyone's a Lobo. Woof, woof, woof."

#### HONORING CARLOS ARAGON

(Mr. CHAFFETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAFFETZ. America lost one of its finest. Carlos Aragon, 19 years old, from Orem, Utah, was killed while serving as a Marine in the Helmand province. It's so sad when you hear these reports. Your hearts and your thoughts and your prayers go out to the family. But at the same time, your heart is filled with pride that these young men and women will step up at such a young age to fight and protect this country and fight and protect for the good of the United States of America.

I hope we do more to recognize these young men and women. I thank that family. May God bless them, and may God bless the United States of America.

□ 1015

#### HEALTH CARE REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, the clock is ticking. Too many American families still don't have access to health care. We are at the goal line and we need to take the ball across the line on behalf of the American people. A step-by-step approach is not the answer, especially when families in my district face 14 percent unemployment and many are without health coverage.

In my home State of California, Anthem Blue Cross raised our premiums up to 39 percent. This must stop.

We must pass health care reform that ends discrimination based on pre-existing conditions; that makes health insurance affordable; that creates greater accountability on health insurance companies; that cuts the deficit by \$100 billion over the next 10 years; that allows doctors and patients, not insurance companies, to make important health care decisions; that does not break the bank for small businesses.

I urge my colleagues to stop partisan politics and deliver health care reform. We need it now and for generations to come.

#### FEDERAL LAND GRAB

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Mr. Speaker, where will it all end? First the EPA decides to regulate breathing, and now we learn that the Department of the Interior is planning a land grab that is so brazen that it is difficult to believe.

By misusing the Antiquities Act, the White House is planning to lock up more than 13 million acres of land in 11 Western States, including more than 2.5 million in Montana alone, much of which is privately owned. And they can do it without so much as one single public hearing or a vote in Congress.

Some of that land belongs to private citizens who have no idea that the Federal Government is planning to kick them off their ranches. If the government can do this to them, what can it do to you?

When policies like cap-and-trade, government-run health care, and establishment of new Federal lands are unpopular, you don't merely bypass Congress or change the rule to ram it through. Americans are sick of secret bureaucratic overreach and Washington, D.C., tricks.

#### WOMEN'S HISTORY MONTH

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, Monday marked the kickoff of Women's History Month, and in celebration, every day of this month the House will be opened by a woman Member. As co-Chair of the Congressional Caucus on Women's Issues, I am honored to be a part of the largest number of women ever to serve in the House of Representatives. It is 76; still too few.

It is a testament to the women's rights movement that my female colleagues represent the full political spectrum, bringing a diversity of thoughts, ideas, and opinions to the House.

Women have made great strides in the last decade. Fifty years ago, high school and college students across the country were not given support for their sports activities; and yet last week, women of Team USA, our Olympiads, brought home 13 medals from Vancouver.

It was not long ago that girls were discouraged from obtaining a degree in higher education. Today, 57 percent of graduating undergraduates in this country are women; and according to the Center for American Women in Politics, the number of women serving in State legislatures has more than quintupled since 1971. And this is not just a trend in the United States. Women across the globe are breaking barriers.

We have a long way to go, but we need to celebrate how far we have come.

#### NO GOVERNMENT TAKEOVER OF HEALTH CARE

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, as most people know, Warren Buffett was an early adviser to President Obama. Just this week, Buffett said the President should scrap the health care bill and start over. He noted the American people are not behind this bill. He said the goal is to lower cost. I completely agree with Mr. Buffett. The American people don't want a trillion dollar government takeover of health care. Also, people don't want to raise taxes, cut Medicare, and giveaways to Washington special interests.

We need to reduce costs by taking a few simple steps: one, medical malpractice reform; two, increase competition; three, sell insurance across State lines; four, expand health savings accounts. That is a prescription the American people will support.

#### ARMENIAN GENOCIDE

(Ms. SPEIER asked and was given permission to address the House for 1 minute.)

Ms. SPEIER. Mr. Speaker, my mother, Nancy Kanchelian, was born in 1915

in Fresno, California, the same year the Ottoman Empire began its systematic killing and deportation of millions of her fellow Armenians and members of her own family.

A year ago this week, my mother passed away at the age of 93. And for her entire life on Earth, her country, the United States of America, refused to officially acknowledge what we know to be true. Our own Ambassador to Armenia at the time, Henry Morgenthau, informed the Secretary of State: "... excesses against peaceful Armenians is increasing, and it appears that a campaign of race extermination is in progress."

Mr. Speaker, the facts here are not in dispute. The one thing left to question is not whether the Armenian genocide took place but, rather, if we in this Chamber have the moral and political backbone to stand for truth. The House Foreign Affairs Committee will have the opportunity this week to pass H. Res. 252 and stand up for truth.

#### FEEDING NEW ORLEANS' SOUL

(Mr. CAO asked and was given permission to address the House for 1 minute.)

Mr. CAO. Mr. Speaker, I rise today in honor of Black History Month to recognize Ms. Leah Chase. Known as the "Queen of Creole Cuisine," Ms. Chase is a chef, a television host, a cultural ambassador, and the owner of the famous Louisiana landmark Dooky Chase restaurant. Dooky Chase is located in the historic Tremé neighborhood of New Orleans and was immortalized in the television show "Frank's Place." But, it was established as a spiritual, cultural, and historical landmark long before television producers came knocking.

During the 1960s, Dooky Chase was a meeting place for civil rights activists and NAACP members coming from all around the region. And during segregation, notable African American artists such as Ella Fitzgerald and Lena Horne dined there.

When Hurricane Katrina flooded the restaurant, forcing it to close its doors for the first time since 1941, Ms. Chase could have left, leaving behind all of the history and prominence of this historic spot. But she returned, rebuilt, and reopened to serve, nourish, and inspire the bodies and souls of future generations.

Today, I am proud to recognize Leah Chase for her unwavering commitment to the recovery of Orleans and Jefferson parishes.

#### ENERGY EDUCATION LOAN FORGIVENESS ACT

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, this week I introduced the Energy Education Loan Forgiveness Act, a bill to provide student loan forgiveness to

skilled workers in advanced energy industries.

The United States is already facing a critical shortage of trained workers for jobs that focus on energy efficiency, and studies show that demand for such workers will only grow. We need more workers, but we have to educate them properly, and the cost of such an education is an obstacle to many.

My legislation would help ease this burden by establishing a student loan forgiveness program for energy students who go to work in the advanced energy field. This program would start at \$2,000 in forgiveness in the first year and go up to \$5,000 with 5 years.

If we want our country to lead the way in advanced energy technologies, we have to be willing to invest in that workforce through education.

Mr. Speaker, I urge my colleagues to support this important legislation.

#### OBAMACARE

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Mr. Speaker, today we will hear again from the President about health care reform. However, moving forward on another version of these massive health care bills is not progress. Raising hundreds of millions of dollars in new taxes is not progress. Cutting half a trillion dollars from Medicare is not progress. Putting the government in charge of health care in this country is not progress.

We all know how flawed the Senate health care bill is, how it is full of backroom deals like the Cornhusker Kickback and the Louisiana Purchase and many others. Some say the American people will appreciate this bill after it becomes law.

Let's not pretend that the American people just don't know enough about this bill to make an informed decision. They are informed, and they reject it. Let's scrap this massive bill and start over, just like the American people would like us to.

#### WOMEN'S HISTORY MONTH

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, today, I rise to recognize Women's History Month. This month we will be celebrating not only the accomplishments of women, but will also be raising the awareness of the various challenges that still exist and face women today.

Today, women make up about 12 percent of our 1.2 million active U.S. servicemembers.

Today, women like Tran Khai Thanh Thy are sacrificing their rights to fight for democracy and freedom in Vietnam.

Today, the United States Government is led by more women leaders than ever before.

But unfortunately, women today also continue to be challenged by discrimination, sexual assault, and violence. Despite all of the progress we have made, women and girls continue to be trafficked across international borders on a daily basis.

This month, I encourage all of my colleagues to not only recognize the progress women have made, but also to take action to expand the rights of women today and for future generations.

#### SCHOOL DISTRICTS FINANCIALLY STRAPPED

(Mr. WITTMAN asked and was given permission to address the House for 1 minute.)

Mr. WITTMAN. Mr. Speaker, recently during my district work period, I met with officials from Matthews County Public Schools. Matthews County is representative of many of the communities in my district and around the Commonwealth that are dealing with difficult budget challenges.

The Matthews County school system is projected to lose \$1.2 million in the 2010-2011 budget year. For a small school district, this is a significant number. Unfortunately, in these cases, usually the only place left to trim the budget is personnel. This would mean less services and programs for children.

Over the years, the Federal Government has expanded its involvement in funding and has added requirements on public education. In some cases, Federal requirements leave school districts strapped for funding. The Federal requirements and mandates are not joined with Federal assistance. In my district, I have formed an Education Advisory Council to look at these tough issues.

Congress should carefully review these important programs and implement commonsense reforms to ensure that we are helping, not hurting, the education of our children. There are many counties like Matthews across Virginia's First Congressional District. We must be mindful of the impacts we have on their budgets.

#### RECOVERY ACT WORKING

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise this morning to share some success stories from the 20th Congressional District in Florida that show that the evidence is clear that the Recovery Act is working to cushion the greatest economic crisis since the Great Depression and lay a new foundation for economic growth.

In my State of Florida, we are creating jobs and investing in the infrastructure of our community. Indeed, in my district alone, there have been 130 Recovery Act grants that have been

awarded. Even more importantly, in my congressional district, 61 small businesses have received more than \$21 million in loans. These loans to small businesses have allowed companies to stay open, keep people employed, and prevented an even deeper economic downturn.

Experts agree that the Recovery Act is already responsible for saving or creating 2 million jobs, and we remain on track to create and save at least an additional 3½ million jobs by the end of the year.

The Recovery Act, to be clear, was never meant to replace dollar for dollar or job for job what we have lost. But 1 year in, experts ranging from private forecasters to Governors on both sides of the aisle say the Recovery Act has helped pull us back from the brink of economic disaster and is helping us lay a firm foundation for our economic recovery.

□ 1030

#### SCRAP CURRENT HEALTH CARE BILL

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, last year, I introduced House Resolution 615, a resolution that simply says, if you vote for a government-run health care system, you should be willing to be subject to it. As of today, over 3 million Americans have gone to [fleming.house.gov](http://fleming.house.gov) in support of this resolution.

This message continues to resonate across America for one simple reason: The people of this country are sick and tired of being the victims of bad laws while their elected representatives exempt themselves from the very same laws. If Congress feels increased taxes, higher premiums, and government-run health care are good enough for American families, then it should be good enough for them as well.

I urge the President and Democrat leadership to listen to this overwhelming uproar from the American public. Scrap the current legislation and go back to the drawing board to craft a true bipartisan bill that increases access and quality of health care while driving down costs for American families.

#### LEGISLATION TO HELP SMALL BUSINESSES

(Mr. SCHAUER asked and was given permission to address the House for 1 minute.)

Mr. SCHAUER. Mr. Speaker, I rise to announce new legislation I'm introducing to help small businesses grow and make it easier for them to put people to work. New jobs mean less government spending on unemployment and health care. New employees spend much of what they earn, also boosting our local economies.

In my bill, tax credits are targeted for small business job creation. While we're suffering from high national unemployment, States like Michigan are being hit especially hard. That is why my bill gives bigger tax credits to employers that create jobs in high unemployment States like Michigan. My bill goes to the heart of our economy, helping small businesses, the engine of job creation in America.

#### BLACKLIST BLACKWATER

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Virginia. Mr. Speaker, I rise with great concern that the Department of Defense is considering awarding a \$1 billion contract to Blackwater, now known as Xe Services, to train the Afghan National Police. Blackwater-Xe is synonymous with abuse, unprovoked violence, and a "shoot first" attitude. Their personnel are directly responsible for killing dozens of innocent men, women, and children in Iraq. Clearly, they are not deserving of a U.S. contract to train the Afghan police.

Hiring Xe may irreparably damage our efforts to work cooperatively with the Afghan people and will serve as a propaganda tool for our enemies. They will be seen as representing the American people, which they do not. Given Xe-Blackwater's past performance, our government should not be doing business with Xe, and Secretary Gates should prevent this contract from going forward.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### CENSUS AWARENESS MONTH

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1096) encouraging individuals across the United States to participate in the 2010 Census to ensure an accurate and complete count beginning April 1, 2010, and expressing support for designation of March 2010 as Census Awareness Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1096

Whereas the Constitution requires an actual enumeration of the population every 10 years;

Whereas an accurate census count is vital to the well-being of communities in the

United States by helping planners determine where to locate schools, daycare centers, roads and public transportation, hospitals, housing, and other essential facilities;

Whereas businesses in the United States use census data to support new investments and growth;

Whereas census data ensure fair Federal, State, and local representation in the United States and help determine the composition of voting districts at each level;

Whereas census data directly affect how more than \$400,000,000,000 in Federal and State funding is allocated to communities for neighborhood improvements, public health, education, transportation, etc.;

Whereas census data help identify changes in a community and are crucial for the distribution of adequate services to a growing population;

Whereas the 2000 Census determined the United States had a total population of 281,421,906 and current estimates project the population has grown to 308,573,696;

Whereas the 2010 Census is fast, safe, and easy to complete, with just 10 questions, and requiring only about 10 minutes;

Whereas the 2010 Census data are strictly confidential and Federal law prevents the information from being shared with any entity;

Whereas the individual data obtained from the census are protected under United States privacy laws, cannot be disclosed for 72 years, or used against any person by any government agency or court;

Whereas neighborhoods with large populations of low-income, minority, or rural residents are especially at risk of being undercounted in the 2010 Census;

Whereas, in the 2000 Census count, Hispanics, African-Americans, Asian Americans, and rural Americans were the most difficult to count;

Whereas the goal of the 2010 Census is to count every person in the United States, including Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and any other territory or possession of the United States once, and only once, and in the right place;

Whereas the goal of the 2010 Census is to eliminate undercounts and overcounts of specific population groups, problems that were apparent in the 2000 Census; and

Whereas the month of March 2010 would be an appropriate month to designate as Census Awareness Month: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) encourages individuals across the United States to participate in the 2010 Census to ensure an accurate and complete count beginning April 1, 2010;

(2) urges State, local, county, and tribal governments, as well as other organizations to emphasize the importance of the 2010 Census and actively encourages all individuals to participate; and

(3) supports the designation of Census Awareness Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from North Carolina (Mr. MCHENRY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am proud to present House Resolution 1096 for consideration. The resolution encourages individuals across the United States to participate in the 2010 Census to ensure an accurate and complete count beginning April 1, 2010, and it expresses support for designation of March 2010 as Census Awareness Month.

House Resolution 1096 was introduced by my friend and colleague, Representative SILVESTRE REYES of Texas, on February 23, 2010, and it enjoys the support of over 50 Members of Congress.

Mr. Speaker, article I, section 2 of the United States Constitution requires an actual enumeration of the population of the United States every 10 years. The Founding Fathers deliberately placed this requirement in the Constitution in order to ensure fair and accurate Federal, State, and local representation, and the Census serves the same purposes today by establishing the composition of voting districts at every level of government. Accurate Census data is vital to the well-being of every person in the United States.

Census data directly affects how more than \$400 billion in Federal and State funding is allocated throughout our Nation. The information obtained in the Census assists planners in determining where schools, daycare centers, health centers, roads, public transportation, hospitals, housing, and other essential infrastructure should be located.

Businesses in the United States use Census data to support new investments, and Census data also helps determine how funds are distributed to communities for neighborhood improvements in public health, education, and transportation initiatives.

Census data also helps identify changes in community makeup and is essential for distribution of adequate services to our continually growing population. In fact, the Census currently estimates that the U.S. population has increased by over 27 million people since the 2000 Census.

The 2010 Census is extremely fast, safe, and easy to complete. It consists of just 10 questions and only requires about 10 minutes to fill out. 2010 Census data is strictly confidential, and Federal law prohibits the personal information from being shared with any entity. Individual data obtained from the Census is protected under United States privacy laws and cannot be disclosed for 72 years or used against any person by any government agency or court.

Given the ease and safety of the 2010 Census, every person in the United States, including individuals in Puerto Rico, American Samoa, Guam, the

Northern Mariana Islands, the Virgin Islands, and all other U.S. territories should also take time to fill out the form and be counted. It is especially important that residents of predominantly low income, minority, and-or rural neighborhoods participate in the Census because these groups are at the center of greater risk of being undercounted in the Census. This is extremely troubling considering the fact that the Census officials estimate that every individual who is not accounted for in the Census loses about \$1,500 per year in Federal aid for their community. By taking just 10 minutes to complete the 2010 Census form, it can help ensure that everyone in America is properly represented and eliminate Census overcounts and undercounts.

Additionally, House Resolution 1096 expresses support for the designation of March as Census Awareness Month, which will raise public awareness about the importance of completing the Census.

Mr. Speaker, as Census Bureau Director Robert M. Groves has noted, "Taxpayers save \$85 million for every 1 percentage point increase in the national mail-back participation rate for the 2010 Census." With this in mind, let me take this opportunity to express my strong support for House Resolution 1096, which encourages individuals across the United States to participate in the 2010 Census and expresses support for designation of March 2010 as Census Awareness Month.

I urge passage of Mr. REYES' resolution.

I reserve the balance of my time.

Mr. MCHENRY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur with my colleague and fellow member of the Oversight and Government Reform Committee. I rise today in support of H.R. 1096, and I am proud to cosponsor this resolution encouraging full participation in the 2010 Census and expressing support of the designation of March as Census Awareness Month.

Our Constitution requires that every 10 years the Federal Government count every person residing in the United States once, and only once, and where they live. As a Nation, we have been doing this every decade since our very first Census in 1790. This is not new.

This week, the Census Bureau will begin the process of delivering the 2010 questionnaire from the Census all across America. By midmonth, the majority of the approximately 120 million households in the United States will receive their form by mail or by hand delivery from a Census Bureau employee.

The 2010 questionnaire is the shortest and simplest one the Bureau has ever sent out. There are only 10 easy questions that should take less than 10 minutes to fill out. And not only is it easy, but it's confidential, too. The individual information that respondents provide is protected by Federal law and cannot be shared with any other government agency.

Census data guides the distribution of more than \$400 billion in Federal funds, as my colleague mentioned, directs funds to State and local governments each year, and decides the makeup of representative districts from the United States Congress on down to the school board. Decisions to build new infrastructure such as roads, schools, and hospitals are dependent upon population counts derived from the Census. When people do not participate in the Census, they only short-change themselves and their communities. A poor response rate means people cannot be accurately represented in Federal, State, and local districts when they are drawn. It means that a community may lose its fair share of Federal and State funding. It means a road that should be built won't. A 10-minute response can help avoid 10 years of underrepresentation and underfunding.

Mr. Speaker, I urge my colleagues to support this resolution, this very important resolution. The Census only comes around every 10 years. We have an obligation, as the people's representatives, to make sure that they know that this is going to happen.

Census day this year is April 1. Every American should get that form in the mail or hand-delivered. Simply fill it out, mail it back in, and you have done your patriotic duty.

Every individual in this country should respond. Let me make this clear: Every individual in this country should respond. It is a wonderful opportunity for you to simply do your patriotic duty. It is what the Founders insisted on. In order for us to have a representative democracy, we must know who we represent, how many people we represent, who's here. And that is our obligation to carry that message out, but it is the American people's obligation to share this message as well.

So with that, I urge my colleagues to support this resolution, this very important resolution.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I appreciate and thank the gentleman from North Carolina for his thoughtful remarks and for his support.

At this point, I would like to yield 5 minutes to the lead sponsor of this resolution, the gentleman from Texas (Mr. REYES), the chairman of our Intelligence Committee.

Mr. REYES. I thank the gentleman for yielding time this morning.

Mr. Speaker, I rise today in support of H. Res. 1096, which designates March, 2010, as the Census Awareness Month. I want to thank subcommittee Chair CLAY and Ranking Member MCHENRY for their leadership in getting this through committee. I also thank the 59 bipartisan Members who co-sponsored this very important resolution.

I introduced this bill to urge communities across the country to raise awareness about the upcoming Census and to encourage individuals to fill out their Census form to ensure an accu-

rate and complete count beginning April 1.

Passage of this resolution will help raise awareness of the Census and its significance to communities all across the United States. Although the Census only happens every 10 years, it is extremely important that we get an accurate count because the data derived from the Census affects political representation and directs the allocation of billions of dollars in government funding.

Every year, more than \$400 billion in Federal funds is awarded to States and communities based on Census data. That is more than \$4 trillion over a 10-year period. An accurate Census count is vital to U.S. communities because it helps us to plan for new hospitals, new schools, and new community projects. It is also used to determine which places receive additional social services, including development block grants.

□ 1045

Throughout the years, the goal of the census has remained unchanged—to count every person accurately and to collect information that will help us to better serve the needs of our people. The 2000 census counted more than 281 million people.

The census only takes 10 minutes to fill out, and it is strictly confidential. Unfortunately, despite these facts, Hispanics, African Americans, Asian Americans, and rural Americans are among those groups most likely to be undercounted and to be, thereby, underrepresented.

I call on our communities—from churches, schools, nonprofits, big and small businesses, to local, State and tribal governments—to please help us to promote the 2010 Census and to urge everyone to fill out their census forms. Together, we can ensure a complete and accurate count.

With that in mind, Mr. Speaker, I urge all Members to join me in voting in favor of H. Res. 1096.

Mr. MCHENRY. Mr. Speaker, this is not about partisanship. The census is important for every community across this country and for every State in this Nation. Every individual group within this country has something to gain or to lose in this census. It is not simply about how districts are drawn. It is about how Federal, State and local money is allocated. If you don't respond, if you don't mail your form back in, if you don't answer the door when somebody knocks to collect your census data, which is very basic information by the way, you are doing a disservice to yourself, to your family, to your community, to your State, and to your Nation by saying, I don't exist. So it is very important for individuals in this country to respond to the census.

Moreover, it is helpful to see that the President has recorded a PSA, encouraging folks to respond to the census. It shows the importance, from the White House on down to everyone else, for us to respond to the census.



Finally, I hope that the 2010 census is the most successful census we have ever had in our Nation's history. The Bureau has done a solid task of putting together the logistics of getting millions of folks in this country to respond to the census. It's a costly endeavor, but it's one that the Founders insisted on for us to have a functioning democracy. Especially when the House of Representatives is based on population, they wanted to make sure that the population count was correct and accurate.

I thank the Bureau and all of the folks who are working all across every community in this country. Those folks who are working for the Bureau are wonderful, patriotic people, and we want to say thank you for your service to your country and to your community.

With that, I yield back the balance of my time.

Mr. LYNCH. I thank the gentleman from North Carolina for his courtesy and for his support.

Mr. Speaker, I do have a copy of the census form here. You can't see it, obviously, because of the size of the type, but it's mostly check-the-box answers. I commend the Census Bureau for simplifying this. As the gentleman from North Carolina has stated, it is probably the simplest version of the form that we have had in our history.

I also want to express the concern that we get about 80 to 90 percent of the forms back in the mail, and this is the most efficient way and the cheapest way to conduct the census. The costly part of the census count is in actually going out and knocking on doors and in trying to get people to respond who have not responded through the mail. That's the costly part. So, to the degree that people can cooperate, can help us out and can mail these back, it's a good use of taxpayer money. It's much cheaper. So there is a dual purpose.

Also, as the gentleman from North Carolina mentioned, the allocation of resources and the representation aspect of this is very important as well.

We have no further speakers. Just in closing, I would ask Members on both sides to support Mr. REYES in his resolution in supporting the census and in designating March as the official Month of the Census.

Mr. DINGELL. Mr. Speaker, I rise today to support H. Res. 1096, a resolution introduced by my colleague, Representative SILVESTRE REYES, which encourages individuals across the country to participate in the 2010 census to ensure an accurate and complete count beginning April 1, 2010.

Article I, Section 2 of the U.S. Constitution requires that the enumeration of every individual residing in the United States, is taken every ten years. This month, every household across the nation will have received a 10-question census form known as the Decennial Census.

The importance of correctly filling out and returning this form cannot be overstated. First, data from the Census directly affects how

more than \$400 billion in federal funds are spent, at all levels of government, and thus, helps determine how and what resources are allocated to a community. Put another way, if our community members don't fill out the census, they will find they are not getting funding to support their needs. Census data is used to determine which schools receive funding for improvements, where new hospitals and roads are built, what new maps are needed for first responders, and where economic investment should be made.

Second, the data from the Census dictates how the U.S. House of Representatives is reapportioned, how each state is redistricted, and how the Electoral College is distributed. I don't need to remind all of my constituents of the importance of ensuring they are properly represented on the federal, state, and local levels.

Filling out the Census is fast (taking most just 10 minutes to complete), safe (the information is treated by law as confidential) and easy to complete (there are just 10, simple questions).

I hope that elected officials at all levels of government, across the country and in Michigan's 15th Congressional District will educate their constituents about the importance of completing the 2010 Census, and, Mr. Speaker, I urge my colleagues in the House to join me in supporting this resolution.

Mr. JOHNSON of Georgia. Mr. Speaker, it is with great pleasure that I rise today in strong support of this resolution encouraging everyone across the United States to participate in the 2010 Census and recognizing the month of March as 2010 Census Awareness Month. Since 1930, we have undertaken the monumental task of counting the total U.S. population every 10 years on April 1st. I urge everyone across the Nation to join in the count and I applaud the actions of Representative SILVESTRE REYES from Texas for introducing this resolution.

Active participation in the 2010 Census is especially important in minority communities, which have been historically underrepresented in previous counts. It is important that we do all we can to spread the word about the upcoming census count in these groups. In the year 2000, 3 million of our friends, family and neighbors were not included in the census count. We can no longer afford such oversights which prevent these individuals and their communities from receiving funding. This count affects more than \$400 billion in Federal and State funding for public investments, help planners across the Nation in determining the location of schools, hospitals and senior citizen centers, and assists in determining the makeup of local and national voting districts.

Mr. Speaker, fewer things in life are easier than filling out census forms. Answering these 10 questions is vital to attaining an accurate count of the American people. Let's go to work and make sure that everyone is counted.

I urge my colleagues to support its passage. Mr. LYNCH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 1096, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 52 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1230

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. MCCOLLUM) at 12 o'clock and 30 minutes p.m.

## PROVIDING FOR CONSIDERATION OF H.R. 4247, PREVENTING HARMFUL RESTRAINT AND SECLUSION IN SCHOOLS ACT

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1126 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1126

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4247) to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor; (2) the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, if offered by Representative George Miller of California or his designee, which shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; (3) the amendment printed in part B of the report of the Committee on Rules, if offered by Representative Flake of Arizona or his designee, which shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (4) one motion to recommit with or without instructions.

SEC. 2. All points of order against amendments printed in the report of the Committee on Rules accompanying this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. During consideration of an amendment printed in the report of the Committee on Rules accompanying this resolution, the Chair may postpone the question of adoption as though under clause 8 of rule XX.

SEC. 4. It shall be in order at any time through the legislative day of March 4, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

SEC. 5. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of March 4, 2010.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina (Ms. FOXX). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 1126.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. I yield myself such time as I may consume.

Madam Speaker, House Resolution 1126 provides for consideration of H.R. 4247, the Preventing Harmful Restraint and Seclusion in Schools Act, under a structured rule.

The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Education and Labor.

The rule makes in order the two amendments that were submitted for consideration and are printed in the Rules Committee report—a manager's amendment by Chairman MILLER and an amendment by Representative FLAKE.

The rule waives all points of order against consideration of the bill, except for clauses 9 and 10 of rule XXI, and provides one motion to recommit with or without instructions.

The rule authorizes the Speaker to entertain motions that the House suspend the rules through the legislative day of Thursday, March 4, 2010. The Speaker shall consult with the minority leader on the designation of any matter for consideration pursuant to this rule.

The rule also provides for same-day consideration of any resolution reported from the Rules Committee through the legislative day of Thursday, March 4, 2010.

Madam Speaker, the bill before us today, the Preventing Harmful Restraint and Seclusion in Schools Act, responds to a shocking and urgent need to protect our children in their schools.

Last year, the Committee on Education and Labor held a hearing where they were told horrifying accounts of young, innocent children who were subjected to abusive uses of restraint and seclusion in their classrooms, and they were told of some who died as a result of this abuse.

These were, unfortunately, not isolated incidents. The committee also heard from the Government Accountability Office's managing director of Forensic Audits and Special Investigations, who testified that the GAO found "hundreds of cases of alleged abuse and death related to the use of these methods on schoolchildren." In Texas and in California alone, the GAO found there were over 33,000 reported incidents of restraint or seclusion during the school year of 2007–2008.

Madam Speaker, this is deplorable and inexcusable, and it is simply not humane. Even worse, parents may have no idea what is taking place in their children's classrooms. Sometimes the only signs parents may ever see are slow but stark behavioral changes in their children, at which point the children have been afflicted with deep psychological issues and damage.

I shudder at the thought that, while innocent children are supposed to be learning about reading, writing and arithmetic, they may be subjected to unspeakable abuse while they are at the hands of their trusted educators. It is abuse which will affect their lives forever. Our Nation's youth already have to overcome many obstacles in their lives, and they should not be subjected to such scars which may never ever heal.

If that weren't bad enough, consider the countless children with disabilities or special needs who are disproportionately restrained or secluded at school at far greater rates. Further, many of these children have no means whatsoever of communicating with their parents.

Madam Speaker, no child should ever be subjected to abuse or neglect, especially when in the care of those we are supposed to trust the most.

Despite what you may have heard from the other side of the aisle, the bill before us today is not about Federal control or about setting up a one-size-fits-all Federal mandate. It is about establishing flexible guidelines for States in order to help them raise the bar and to solve a problem that they simply have failed to adequately address on their own. There are 19 States which currently don't have any laws addressing seclusion or restraint in schools. No laws at all. In the 31 States which do, their laws are all over the map. In fact, some of them set guidelines so low they might as well not have any rules at all.

Madam Speaker, this bill, H.R. 4247, will remedy that problem once and for

all. It will require States to meet minimum safety standards to prevent abuse by restraint and seclusion in schools across the country, similar to the protections already in place in medical- and community-based facilities.

H.R. 4247 specifically prohibits the use of mechanical, chemical, or physical restraints or any other restraint that restricts breathing, and it prohibits abusive behavioral interventions that compromise the health and safety of the children. The bill does, however, allow for the temporary restraint or seclusion of a child under certain circumstances if the child possesses an imminent danger to himself or to others in the classroom.

The Secretary of Education will issue regulations establishing such standards, and the States will have 2 years to have their own policies in place to meet or to exceed these regulations.

In closing, I would like to commend the Committee on Education and Labor for its continued efforts on behalf of our Nation's children. I strongly urge my colleagues on both sides of the aisle to support this commonsense legislation.

I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume.

I thank the gentleman from California for yielding time.

I will urge my colleagues to vote "no" on this rule for many reasons which I will outline in my comments, but I certainly want to share with the gentleman from California and with the sponsors of this bill the feeling that all of us want to see that our children are protected, that all children are protected, particularly when they are in State-sponsored institutions, such as public schools or other such institutions. Nobody wants our children to be at any risk, and we want to make sure that the people who are looking after them take the proper precautions when they are dealing with them, especially in a physical way.

Madam Speaker, we are here today to debate the rule on H.R. 4247, the Preventing Harmful Restraint and Seclusion in Schools Act.

Our Founding Fathers knew what they were doing when they assembled the U.S. Constitution and the protections it guarantees, specifically in the Tenth Amendment. The authors of this amendment, an amendment ratified in 1791, remembered what it was like to be under the thumb of a distant, all-powerful government, and they understood that a one-size-fits-all approach does not work.

Since the U.S. Constitution was first ratified, the Federal Government has slowly, steadily and corrosively eroded the notion of States' rights and of our individual liberties. Nowhere in the Constitution does it empower the Federal Government to override States' rights.

When it comes to the education of our Nation's children, we can all agree



again that students should be able to learn in a safe, productive, and positive environment. Teachers, principals, and other school personnel have a responsibility to ensure that the environment is maintained at all times. In many cases, it is vitally important that teachers and classroom aides use interventions and supports that are both physically and emotionally safe for the children.

What the bill before us fails to recognize is that 31 States currently have laws and regulations in place which govern the use of seclusion and restraints in schools. An additional 11 States have policies and guidelines in place. In some cases, school districts may also have their own guidelines governing the use of such practices in the classroom.

Furthermore, the Federal Government has no reliable data on the prevalent use of harmful seclusion and restraint techniques in public and private schools and on whether they result in child abuse, no matter the hyperbole used by people on the other side.

Last year, the U.S. Department of Education recognized this fact, and through the Office of Civil Rights issued a draft regulation requiring State and local educational agencies to collect data on the use of seclusion and restraints in schools. Moreover, last August, Secretary of Education Arne Duncan sent a letter to each chief State school officer, urging the officers to review their current policies and guidelines regarding the use of restraints and seclusion in schools to ensure every student is safe and protected.

However, instead of waiting until the Department of Education completes its review to see how widespread the problem of harmful seclusion and restraint techniques is, the bill establishes a Federal one-size-fits-all mandate to a problem for which there is not yet a thorough understanding and which would otherwise be handled at the State level.

We know increased Federal regulations do not equal results, especially when it comes to public education. Despite Washington's spending hundreds of billions in Federal dollars since 1965 on public education, the achievement gap has not closed, and test scores have not improved.

□ 1245

Instead, we should be focusing on enforcement of current State procedures addressing seclusion and restraint of students. It is my belief that State and local governments can identify student needs and determine the most appropriate regulations better and more efficiently than the Federal Government.

At the beginning of the 110th Congress, the new majority came to power full of promises for a bipartisan working relationship and a landmark pledge to create the "most honest, most open, and most ethical Congress in history."

On page 24 of Speaker PELOSI's "New Direction for America" document issued in the 109th Congress, she calls for regular order for legislation.

"Bills should be developed following full hearings in open subcommittee and committee markups with appropriate referrals to other committees. Members should have at least 24 hours to examine a bill prior to consideration at the subcommittee level.

"Bills should generally come to the floor under a procedure that allows open, full, and fair debate, consisting of a full amendment process that offers the minority the right to offer its alternatives, including a substitute.

"Members should have at least 24 hours to examine bill and conference report text prior to floor consideration. Rules governing floor debate must be reported before 10 p.m. for a bill to be considered the following day.

"Floor votes should be completed within 15 minutes, with the customary 2-minute extension to accommodate Members' ability to reach the House Chamber to cast their votes. No votes shall be held open in order to manipulate the outcome.

"House-Senate conference committees should hold regular meetings (at least weekly) of all conference committee members. All duly-appointed conferees should be informed of the schedule of conference committee activities in a timely manner and given ample opportunity for input and debate as decisions are made toward final bill language.

"The suspension calendar should be restricted to noncontroversial legislation, with minority-authored legislation scheduled in relation to the party ratio in the House."

Those were all the things that the majority promised us before taking over in the 110th Congress. And what do we get? We get this rule, which provides blanket martial law through Thursday.

This practice diminishes democracy. When major legislation is being considered that would add hundreds of billions of dollars to the debt or affect Americans in other ways, Members of Congress should have the opportunity to study the legislation for more than a couple of hours and know what they are voting on.

This rule is a structured rule and makes in order two amendments, one from Chairman MILLER and one from Representative FLAKE of Arizona. Chairman MILLER's amendment, among other things, would change the title of the bill from "Preventing Harmful Restraint and Seclusion in Schools Act" to the "Keeping All Students Safe Act." That is a promise that no Congress can fulfill.

Madam Speaker, we have a lot of problems with this bill and we have a lot of problems with this rule, and, again, I will urge my colleagues to vote "no" on the rule and "no" on the bill.

Madam Speaker, I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, the gentlelady from North Carolina states that we have no statistics to back up the point of why we are bringing this bill to the floor today. In just Texas and California, there were 33,000 cases reported to the committee in one year. If that is not a statistic that can make your hair curl, I don't know what is. Even Ranking Member KLINE said that we are in urgent need of further statistics, because he does believe that this is a serious question.

But just to make the point, to make the case even stronger, the gentlelady's State, North Carolina, the reason why we need this bill, she says some States have rules that already deal with this problem. Let me read you a little bit about what North Carolina's law says.

It says it allows for seclusion and restraint to maintain order or calm or comfort in the classroom and does not require that there be imminent danger or an emergency, and people can use it for discipline and to write it into IEP, or individualized education programs.

That is exactly why we need this, because some States, like her home State, don't understand that this shouldn't be the way we deal with children, children with special needs or other challenges. It shouldn't be the standard operating procedure in our schools.

Madam Speaker, I now would like to yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER), the Chair of the committee.

Mr. GEORGE MILLER of California. Madam Speaker, I want to thank my colleague from California and the Rules Committee for reporting this rule that will allow us for the first time to have Federal guidelines for the protection of children while they are in school. It is important that we strive to keep all children safe while they are in school. I am honored to have worked with and thank her so much for her cooperation, Congresswoman CATHY McMORRIS RODGERS, who was so instrumental in bringing this bill together and bringing all various parts of the discussion on this legislation together to help us draft the legislation.

Not everybody agrees with it, but we have had wonderful cooperation and support from many parts of the educational community, recognizing the danger for the actions to continue that have put so many children in danger and have harmed so many children, without having an accurate reporting system, without having the proper training of teachers.

Teachers are very often put in a very, very difficult position with respect to what to do, but we cannot have children being taped to their chairs, children having duct tape put around their mouth, children being locked into dark closets or even smaller spaces for multiple hours of the day, for multiple days of the week, so they can establish the comfort in the classroom. That is not the right treatment of that child. And if you are doing it over and over

and over again and you are not changing the behavior, you are not getting the outcomes, you might want to rethink that policy. But, tragically, that is not happening in too many areas.

Yes, there are some State regulations in this area, but they are very incomplete. They are spotty. Some only address one school population, one particular disability maybe, or a particular age group, but not others. But we cannot have, and as the GAO tragically made so graphic to our committee, you cannot have very young children treated in this way. We were presented with the most graphic case of students who died while they were placed in seclusion, while they were placed in improper uses of restraint.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CARDOZA. I yield the gentleman from California 2 additional minutes.

Mr. GEORGE MILLER of California. We met with the parents and the caregivers of those children. And here is the final touch, that in many instances, these children were treated this way over and over and over again, and their parents, guardians were never notified.

In many instances, the first time they realized what was going on is when the child, in a very traumatic way, refused to go back to school, was frightened to go back to school. Some of these children never have really been able to return to a regular school setting. They have lost trust in people in those settings. Or a teacher might venture out and quietly tell a parent that something is wrong in your child's classroom or the way your child is being behaved.

That is not the kind of notification that parents are entitled to, and it is not the kind of notification that people believe gives them the authority to engage in this abusive behavior.

Also, we know that in a number of instances, medications were used without the involvement of a doctor, without the okay of the parent, without checking with the authorities prior to that.

We do recognize that in particular cases a child may be a threat to him- or herself, may be a threat to another student or to a teacher or to other school personnel, and we do allow them to take actions in that particular case.

But the idea that this ad hoc theory of locking kids in closets while they soil themselves, while they are denied food, while they are denied water, let's look at what this bill does. It says you can't deny water; you can't deny food; you can't deny them access to bathroom facilities. That is kind of basic, isn't it, in the treatment of a child? And think of what happens to a child when that is done. We are not always talking somehow about a worldly teenager here. We are talking about, in many instances, very young children, children in many, many instances with disabilities who may not be able to communicate clearly.

We cannot allow us to proceed against those children without a policy being in place that protects the children and notifies the parents.

Again, I want to thank the gentleman and the Rules Committee for reporting this rule.

Ms. FOXX. Madam Speaker, I yield such time as he may consume to the distinguished ranking member of the Rules Committee, Mr. DREIER.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Madam Speaker, the American people get it. Last June 24, we, at 3 o'clock in the morning up in the Rules Committee, had dropped into our laps a 300-page amendment that no one had read just as the motion was being offered to move that so-called cap-and-trade legislation to the floor of the House.

Up until that time, being on the Rules Committee as I am, whenever I would talk about process in this institution, Members' eyes would glaze over, and I know that the American people would have their eyes glaze over, and I have even had colleagues of mine from both sides of the aisle say, Why do you talk about process?

Well, Madam Speaker, one of the things I have learned from being on the Rules Committee for more than a couple of years is that process is substance. The utilization of process plays a very critical role in determining the outcome of legislation.

The American people concluded after June 24, when the next day our distinguished Republican leader, the gentleman from Ohio, Mr. BOEHNER, stood here taking his 1-minute and went for an hour going through that 300-page amendment, the American people got the message and they said, You guys don't even take time to look at the legislation before you vote on it. Again, this happened at 3 o'clock in the morning, and within a matter of hours we had that measure on the House floor.

Well, Madam Speaker, why am I going through this? Because in the rule, and I understand that my friend from Grandfather Community has talked about this, but the fact is, in this rule, we have what is described affectionately from Members of both sides of the aisle as martial law rule.

What it means is, in this rule, any Member who votes for this rule is voting to give the majority the authority to, without any kind of consideration, move directly to the floor of the House with legislation. We don't know what that consists of.

In a colloquy I had with the distinguished Chair of the Committee on Rules last night, she said that it was going to be focusing on the jobs issue. But guess what, Madam Speaker? In this rule, there is no clear definition as to what legislation is going to be considered.

Now, this is a structure that is utilized by both sides of the aisle. I will plead guilty. We have used this kind of

expedited procedure in the past when we were in the majority. But, Madam Speaker, it is almost always done only at the end of a session when there are very, very important time constraints that need to be addressed, and Members on both sides of the aisle usually end up agreeing to it.

Madam Speaker, I know that I speak for not only my Republican colleagues but the American people, Democrat, Republican, Independent, when I say that the notion of imposing a martial law rule, in what is now the third month of the second session of the 111th Congress, is a nonstarter. We should not be utilizing this kind of procedure at this point.

So, Madam Speaker, I am going to urge my colleagues to vote against this rule and bring back a structure that does in fact strike martial law, which is not what Americans, regardless of political party, want us to be utilizing in dealing with this very important issue.

There is bipartisan support for the underlying legislation, but there is very, very strong opposition, I hope, from both Democrats as well as Republicans because of the fact that the American people do not want us, especially at this time when we are focusing on very, very important legislation, to deal with job creation and economic growth utilizing martial law rule.

So I urge my colleagues to vote against the rule.

Mr. CARDOZA. Madam Speaker, I would like to point out that in the 109th Congress, the Republican Rules Committee, chaired by the gentleman who just spoke, my colleague from California, reported 21 rules that waived the two-thirds vote requirement for same day rules. Furthermore, five of those rules waived this requirement against any rule that was reported from the committee.

□ 1300

So I find it a bit ironic that my friends on the other side of the aisle are so outraged by this procedure that's been done routinely by both Republican- and Democratic-controlled Congresses.

The blanket waiver is to allow maximum flexibility in bringing legislation to the floor quickly—legislation to support the Federal highway transit programs, which provide much-needed jobs during these difficult times; or, legislation to extend vital social safety-net programs such as unemployment insurance and COBRA, programs which, thanks to the Senate and the filibuster that preceded the debates over there, allowed these programs to expire at the end of February, putting 200,000 workers off the job until we get this bill passed. We aren't sure what form all these measures are going to take yet, but it is essential that we have maximum flexibility to respond to whatever legislative vehicles can best address these matters.

I want to point out that these are very, very difficult times. In my own district, we have 20 percent unemployment. Last night, I had a town hall meeting with my constituents. They're demanding answers and jobs. They want it today. They don't want it next week; they want it now. And all of the obfuscation, all of the delay tactics, all of the challenges to getting people back to work are not very tolerated by them these days.

Every day counts in America right now. We have to put our people back to work. I would suggest that we should be figuring out together how to expedite these processes rather than standing on parliamentary procedure tactics to say, No, let's wait some more. Let's put these bills off.

Mr. DREIER. Madam Speaker, will the gentleman yield?

Mr. CARDOZA. I would be happy to yield to the gentleman from California for questions.

Mr. DREIER. I thank my friend for yielding.

Let me first say that, as the gentleman knows, in my remarks that I made from this well just moments ago, I recognized that this is a process that has been utilized under both political parties. So I completely concur with that, and I said that that happened. The important distinction to make is that the five instances that my friend mentioned when we were in the majority, this was all done in the September-to-December timeframe, basically in the waning days of a Congress, or at least a session of Congress. And that played a big role, recognizing that that needed to happen.

Mr. CARDOZA. Madam Speaker, reclaiming my time, in response to the statement of the gentleman, I would just say that, yes, these are used for extraordinary situations, like when 200,000 people are put out of work because of a Senate filibuster for no particularly good reason.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER).

Mr. DREIER. I thank the gentleman for yielding time to me.

Let me say I'd like to engage in a colloquy with my friend, if I might. And I'll be more than happy to yield to him whatever time he needs under our time, because I know he has to deal with these time constraints.

Let me say, Madam Speaker, at the outset, the notion of saying 200,000 people have been thrown out of work because of the actions taking place in the Senate is not right. This had to do with an issue of spending. But let's not get into that. Let's focus on what it is the American people want us to do.

Madam Speaker, the gentleman is absolutely right: Job creation and economic growth is what the American people are talking about. I, too, last night held a telephone town hall meet-

ing and was listening and talking with thousands of people in southern California. Our unemployment rate is not quite as high as the gentleman faces in the San Joaquin Valley. The part of the area I represent, the Inland Empire, just in suburban Los Angeles, has a 14.2 percent unemployment rate. It's a very serious issue.

We need to work together in a bipartisan way. And I consistently stood in this well saying that what we should be doing in a bipartisan way is utilizing the John F. Kennedy, a great Democratic President, and Ronald Reagan model to get our economy back on track. We know what it will take. It's not a dramatic increase in Federal spending. It is encouraging, through incentives, private-sector job creation and economic growth.

This procedure is virtually unprecedented at this early point in the Congress. And I will say, Madam Speaker, that last week, last week, I would have thought that the majority would have learned its lesson as it imposed martial law rule at the end of last week, and then had to come back, and my friend was in fact managing in what was a very unfortunate circumstance for the institution, the idea of pulling back on the McDermott amendment that was considered that clearly, Democrats and Republicans alike, recognized would have jeopardized the security of the courageous men and women who serve in our intelligence field around the world.

So I'd be happy to yield to my friend if he'd like to respond to any of my comments.

Mr. CARDOZA. Well, in response, Madam Speaker, I would just raise that it's my belief that the Senate voted 78 to some teen number. I'm not sure what the final tally was.

Mr. DREIER. It was 19.

Mr. CARDOZA. Nineteen, on behalf of the package, the jobs bill that we're contemplating bringing up tomorrow. Now, this illustrates the point that we've been frustrated for a long time. The gentleman is correct that both his district and my district are suffering from lack of jobs, too high unemployment. But when you get a constant slowing down of the process in the Senate to the point where we can't accomplish what the American people want us to accomplish in this Congress, then you will have this kind of situation where we get into a situation where 200,000 people have been put out of work because of lack of action by the other body.

Mr. DREIER. Madam Speaker, if I can reclaim my time, the gentleman is not talking about people being put out of work; what he's talking about is people who are not receiving these benefits.

Madam Speaker, let me just say that everyone acknowledges that we want to make sure that people who are struggling to find a job today and are unable to find a job are able to receive those benefits. No one wants to deny

that. Our colleague in the other body who was raising concern about the spending issue and offsets and pay-as-you-go, which is something that I know my friend has regularly championed, is what led to this issue.

The question is: What is it that we do to get the economy back on track? We've seen a massive increase in spending in a wide range of areas. And guess what? We still have an unemployment rate at right around just under 10 percent nationally, 20 percent in my friend's district, and 14 percent-plus in part of the area that I represent. That's why I believe we should be utilizing this bipartisan John F. Kennedy-Ronald Reagan model. That's what we should do to address the shared concern that we have. But in saying this, Madam Speaker, I point to the fact that we should not be imposing martial law, undermining the ability for us to do what my friend said should be done, and that is working together in a bipartisan way. Because when you at this early point in the Congress, in this session of Congress, impose martial law rule, you undermine the ability for us to work together in a bipartisan way.

Mr. CARDOZA. I will just respond by saying that I'd love to work in a bipartisan way. But you need partners in a bipartisan process. Frankly, we've seen more push-back and diversion and obfuscation of the details and the merits of this legislation. A bill that passes 78-19, as the gentleman indicated, is one where there is significant agreement. Yet, the rules of the Senate often times allow there to be significant delays in very needed legislation to come to the aid of our constituents.

And so I would say that, yes, today or tomorrow we need to bring up a bill that deals with the unemployment benefit for my constituents and Mr. DREIER's and the rest of the Nation's as well. We need to put those transit workers back to work. We need to take care of the business before us. And when we constantly see the generally unfeeling situation where we're just going to have a filibuster in the Senate while folks will no longer get their unemployment benefits and suffer in the process, I don't think that's what the American people sent us here to do.

I believe that we must pass this rule. We must move the jobs bill as soon as humanly possible. And we need to also deal with the education bill that we brought up before the House and is the main purpose for why we're here today.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume.

Madam Speaker, the reason that the folks on the other side of the aisle are pushing through this martial law rule, same-day rule, is because they have problems in their own caucus. As the gentleman says, they're still contemplating what it is they want to do. Unfortunately, when the Democrats maybe get together and decide what it is they want to do, then they're just

going to spring a bill on us and not even give us a day to read the bill. They just want to bring it onto the floor immediately and then be able to deal with it because, again, they don't know what they want to do. They have dissension in their own caucus.

Every time they can't get their act together, they blame it on the Republicans. They're totally in charge of this Congress, totally in charge of the executive branch, and yet every day we hear its the Republicans' fault that we can't get these things done. You all won't be bipartisan. We're very happy to be bipartisan. We're very happy to sit down and talk about what needs to be done. The American people are telling us every day. We're listening to what the American people are saying. It's obvious that the folks on the other side are not.

This bill, Madam Speaker, authorizes such sums as may be necessary for fiscal years 2011 through 2015 to establish grants to States to help some of their costs. "Such sums" is a blank check. We have the worst fiscal crisis we have had in this country in a long, long time. Again, we hear about it all the time on the other side of the aisle. But do they do anything to try to work on that fiscal crisis? No. They make it worse by continuing to authorize "such sums." And we have bills like this every day that continue to authorize more spending, more spending, more spending.

I will be submitting, Madam Speaker, a chart that shows how much money on other bills, such as No Child Left Behind, has been authorized, and then how much is actually spent, because we have a history of that. And we know that when you put out bills that say "such sums," with an estimate of what will be spent, that we always go over in that spending. I will submit that chart for the RECORD, Madam Speaker.

#### TITLE I, NO CHILD LEFT BEHIND FUNDING

[In million of dollars]

FY2001 .....	8,763
FY2002 .....	10,350
FY2003 .....	11,689
FY2004 .....	12,342
FY2005 .....	12,740
FY2006 .....	12,713
FY2007 .....	12,838
FY2008 .....	13,899
FY2009* .....	14,492
Total Funding .....	109,826

\*Excludes economic stimulus funding under the American Recovery and Reinvestment Act.

#### TOTAL NO CHILD LEFT BEHIND FUNDING

[In millions of dollars]

FY2001 .....	17,382
FY2002 .....	22,013
FY2003 .....	23,625
FY2004 .....	24,309
FY2005 .....	24,350
FY2006 .....	23,333
FY2007 .....	23,487
FY2008 .....	24,417
FY2009* .....	24,954
Total Funding .....	207,870

\*Excludes economic stimulus funding under the American Recovery and Reinvestment Act.

We, again, have colleagues on both sides of the aisle who support the un-

derlying bill here. I have great respect for my colleagues on the Education Committee and some not on the Education Committee who will support this bill. I know that they have the best intentions. But sometimes good intentions can have insidious results. One of the insidious results that will come from this bill is to take away from the States the right they have to regulate education. That is given to them by the Constitution.

I don't think that we should be approving the underlying bill, and we certainly should not be voting for a rule that violates even the promises that the majority made, which sounded so good to the American people and which helped them win the majority in 2006 and gain seats in 2008. And every promise has been violated.

So I ask my colleagues to vote "no" on the rule and "no" on the underlying bill, although I know that I have colleagues who will vote for the bill.

With that, I yield back the balance of my time.

Mr. CARDOZA. I'd like to thank the gentlewoman from North Carolina for engaging with me today and my colleague from California in the discussion that we've had on both the underlying bill and the question of the need to bring jobs to the United States of America.

The minority would have you believe that we have totally clamped down on this process and would not allow them to bring up dissenting views on this bill. In fact, nothing could be further from the truth. In fact, the Rules Committee granted the minority the opportunity to submit a substitute. They chose not to.

□ 1315

We made in order both amendments that were submitted to the committee. So basically everything that was offered as a suggestion to improve the bill has been incorporated to this point.

The gentlelady chose not to respond when I pointed out that 19 States have no restrictions whatsoever on using child restraints. And her own State allows for seclusion and restraint to maintain order, and does not require that there be imminent danger or even an emergency in order to duct tape children to seats, to lock them in closets, deny them food, deny them water, deny them access, without parental notification. That is the purpose of this underlying bill, to improve the situation that children are exposed to in our classrooms.

Just a few years ago, 33,000 children in just the two States of Texas and California were exposed to this kind of situation, or at least allegedly so. I would say that we need these guidelines, that we need to intervene, and we need to provide the States with the opportunity to understand what is happening. And we need to compile the statistics, all of which is included in the bill.

Madam Speaker, there is an urgent problem in many of the schools across the country that has gone unchecked for far too long and must be addressed. H.R. 4247 will go a long way towards ensuring the safety of our Nation's children. Again, I ask my colleagues on both sides of the aisle to support this commonsense legislation. I urge a "yes" vote on the rule and on the previous question.

Mr. GINGREY of Georgia. Madam Speaker, I rise today in strong opposition to this rule, as well as to the underlying legislation, H.R. 4247, the Preventing Harmful Restraint and Seclusion in Schools Act. As a former Marietta, Georgia School Board Member and as a grandfather with grandchildren in both public and private schools, I believe that it is critically important that students can feel safe in schools.

However, this legislation is not the right way to address this important matter. H.R. 4247 represents a "Washington knows best" solution and a one-size-fits-all approach to educational decisions where there is not precedence for federal action. Currently, there are 31 states that have actively taken a role in enacting policies that address the restraint and seclusion of students. Furthermore, 15 additional states—including my home State of Georgia—are planning on addressing this issue this year.

Madam Speaker, H.R. 4247 is a gross infringement on states' rights under the 10th amendment to the Constitution. This legislation tells our states that the work they do to keep our children safe is woefully inadequate and leaves them no flexibility to meet the individual needs of their students.

Additionally, I have grave concerns about the scope of this legislation as it relates to private schools. On page 9 of the bill, H.R. 4247 specifically defines a school subjected to this legislation as "public or private" and "receives . . . support in any form from . . . the Department of Education."

Madam Speaker, this clearly undermines the longstanding policy that limits federal intrusion into private schools. If this legislation passes, I fear that private schools will begin to limit services that their students are entitled to receive under federal law as a way to avoid being subjected to the law. Therefore, the federal safety standards afforded to children under H.R. 4247 will come at the sacrifice of the educational experience for those students who choose to be in private schools.

Make no mistake; the 10 cases that our colleagues on the Education and Labor Committee examined in their May 2009 hearing on this issue are absolutely tragic. My condolences go out to all of the victims of these horrific acts. There is no doubt that mechanisms should be put in place to protect the safety of both our students and faculty so that tragedies like the ones that have already occurred can be avoided in the future.

However Madam Speaker, I do not believe it is the job of this body or the federal government as a whole to tackle this issue when we leave educational decisions primarily to the states. Instead of passing H.R. 4247, we should be encouraging the 19 states that do not have existing policies on student restraint and seclusion to act as quickly and as swiftly as possible so that all states can keep their students safe in schools.

Madam Speaker, for the sake of the 10th amendment and states' rights, I ask that all of my colleagues oppose this rule, and I urge the defeat of the underlying legislation, H.R. 4247.

Mr. CORDOZA. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### EXPRESSING CONCERN ABOUT SUICIDE PLANE ATTACK ON IRS EMPLOYEES IN AUSTIN, TEXAS

Mr. LEWIS of Georgia. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1127) expressing concern regarding the suicide plane attack on Internal Revenue Service employees in Austin, Texas.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1127

Whereas all Federal employees, and those from the Internal Revenue Service in particular, have experienced a terrible tragedy in the suicide plane attack on February 18, 2010;

Whereas Vernon Hunter, who lost his life in the terror attack, had 48 years of public service, including 20 years of serving in the United States Army and 2 tours in Vietnam;

Whereas Federal, State, and local officials have cooperated to respond promptly and professionally to the attack and provide assistance to Internal Revenue Service victims and families affected by the crash; and

Whereas Federal employees, from the Armed Forces to the Internal Revenue Service, serve their Nation with honor and commitment, and perform public service that benefits the entire Nation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly condemns the terror attack perpetrated deliberately against Federal employees of the Internal Revenue Service in Austin, Texas;

(2) honors Vernon Hunter, a victim of the crash, Shane Hill, who suffered severe injuries, and all those who were injured for their service to our Nation;

(3) commends Internal Revenue Service employees for their dedication and public service;

(4) recognizes the heroic actions of the first responders, emergency services personnel, Internal Revenue Service employees, and citizens on the ground in Austin such as Robin De Haven whose actions minimized the loss of life; and

(5) rejects any statement or act that deliberately fans the flames of hatred or expresses sympathy for those who would attack public servants serving our Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

#### GENERAL LEAVE

Mr. LEWIS of Georgia. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on House Resolution 1127.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEWIS of Georgia. Madam Speaker, I yield myself such time as I may consume.

On February 18, the IRS family suffered a terrible tragedy. I rise today to express my deepest sympathies to the families of Vernon Hunter, Shane Hill, and the employees at the IRS in Austin, Texas. We as a Nation and as a people are much better than this. We should be better to each other. This type of attack is just wrong, and we must not tolerate violence against our public servants.

I understand that people may not like to pay their taxes, but we cannot take out our anger on IRS employees. They do not deserve this. The people who work at the Internal Revenue Service are mothers and fathers and brothers and sisters who work hard each and every day. They do their jobs, and they do them well. They perform a public service that benefits the entire Nation. This Congress is committed to the safety of each and every person who serves this Nation.

I want to thank the IRS Commissioner for the steps he has taken to enhance security at all IRS sites around the country. We will continue to make sure that the Internal Revenue Service has the resources to improve security at its offices.

I was moved by the many stories of people who reached out and helped each other during this terrible tragedy. Even in the face of chaos and violence, people reached out and helped each other. First responders, emergency personnel, employees, and other citizens showed great courage and compassion to minimize the loss of life. I thank them all and honor them today.

Madam Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Madam Speaker, I yield myself such time as I might consume.

(Mr. BOUSTANY asked and was given permission to revise and extend his remarks.)

Mr. BOUSTANY. Like all my colleagues here in the House of Representatives, I was shocked and horrified by the tragedy that occurred at the IRS office in Austin, Texas, on February 18. I especially want to offer my condolences to the family of Vernon Hunter, who lost his life in this senseless attack. Mr. Hunter dedicated his life to serving his country, including 20 years in the U.S. Army and two tours in Vietnam. I stand with my colleagues today to honor his service and his memory.

We should also recognize the courage and heroism of those men and women, including IRS employees, first responders, and others, who responded to the attack to ensure that our country did not suffer even greater losses.

I would like to associate myself with the words of President Obama to the employees of the IRS when he said, and I quote, "I am thankful for your dedication, courage, and professionalism as we rebuild in Austin. And as you continue your work, we will do what is needed to ensure your safety. We are grateful for your service to this country. May God bless you and the United States of America."

Madam Speaker, I reserve the balance of my time.

□ 1330

Mr. LEWIS of Georgia. Madam Speaker, I'm pleased to yield such time as he may consume to my colleague and my friend, the distinguished gentleman from Texas (Mr. DOGGETT), a member of the Ways and Means Committee and a sponsor of the resolution.

Mr. DOGGETT. I thank the gentleman from Georgia and the gentleman from Louisiana for their important comments. The recent suicide attack in my hometown of Austin, Texas, on an IRS building was a horrible tragedy. I authored this resolution to honor those who were victims, to recognize the courage that was displayed by so many that day, and to condemn such cowardly acts of violence.

Seeing that building aflame after this premeditated suicide attack which was, in the words of Austin Mayor Lee Leffingwell, "perpetrated in rage without any regard for the sanctity of human life," I was just amazed that not more of our neighbors were harmed. In large measure, this was the result of the valor and professionalism amidst the flames and the chaos of the Federal workers, others who came upon the scene, and our local first responders.

Leaders of these well-trained professionals who rose to the call of duty that day include our Austin Police Chief, Art Acevedo; our Fire Chief, Rhoda Mae Kerr; our EMS Director, Ernie Rodriguez; and Travis County HAZMAT Chief, Gary Warren who, with the Westlake Fire Department, was fortunately near the site of the attack and raced into action. And I know

that the neighboring Grace Covenant Church has already offered support and solace for many following the attack.

This resolution also recognizes Robin De Haven. Robin, an Iraqi veteran and a technician with Binswanger Glass, was driving by and was one of the first to rush to the scene as he saw the attack. Without a moment's hesitation, he stopped his truck, got out his ladder, and despite the fire, the heat, the smoke and the chaos, he rescued employees from the second floor of the building.

As the saying goes, "it's easy to be brave from a distance," but Robin showed his bravery close up, very close up, and in doing so, he helped many people escape injury. Last week he became the first Austinite to receive a "challenge coin," recognizing his quick thinking and courage from all three of the city's public safety organizations.

There is the spirit and courage of the Austin IRS employees, whose calm and orderly evacuation saved lives. They were recognized by the prompt visit of IRS Commissioner Doug Shulman, Treasury Secretary Geithner, and Colleen Kelley, the president of the National Treasury Employees Union, who heard firsthand what these employees experienced.

Frankly, all in the building that day were heroes, and we cannot know the names of all who acted with courage. But a few stories that were shared with me by the employees I think are typical: Alfredo Valdespino, who guided employees out of the building and then ran back inside to offer more help. Also returning to help a missing colleague was Richard Lee. David Irving carried a disabled coworker down the stairs and out of the building on his back. Armando Valdez, Jr., and Deborah Fleming yelled to other employees, "Follow my voice," as they guided them away from falling through the gaping holes in the floor. Andrew Jacobson and Morgan Johnson broke out a window and allowed employees to climb out through Robin De Haven's ladder.

That tragic day, even as work continued at the scene, however, after this deadly assault on Federal employees, a Facebook page was created that lauded the killer. This response to violence is deplorable. Intense debate as we have here on this floor about our Tax Code is appropriate. That's what we do here in Congress and in gatherings across the country. There are many tax provisions that I have personally criticized in the strongest terms, and at times I have also criticized the way the IRS has administered the Tax Code. But to demonize and harm public servants who are serving our country at the IRS while praising a murderer or anyone else who would do them harm is outrageous.

Nor is such misconduct unique to this tragedy. According to the Wall Street Journal, the number of threats against IRS employees are on the rise. Just this week, the Austin American-

Statesman reported about another local agent's necessary care in opening mail filled with razor blades and pushpins, about last year's phony anthrax attack on another Austin IRS building and an earlier plot to blow up another Austin IRS building. Each year, the Treasury Inspector General for Tax Administration, which oversees the IRS, investigates more than 900 threats against IRS employees, including violence.

Let me be clear: I'm not here today to glorify the IRS. I'm here to condemn unequivocally through this resolution those who would glorify violence against our public employees who are properly conducting their duties in service to our Nation.

There are many who will long bear the emotional scars from this attack, and some still cope with the physical burdens. I want especially to recognize Shane Hill, a 5-year investigator with the Texas State Comptroller's office who happened to be in the building that day and now with his family faces a very long physical recovery.

Vernon Hunter has been mentioned. Known by his friends as Vern, he lost his life in this senseless attack. At his funeral last Friday, he was described as the type of man who always woke up with a smile, always wanted to help others, and as a Texan, never left home without his cowboy hat. Coming from a family dedicated to uniformed service, he served in the U.S. Army for over two decades, which included two tours of duty in Vietnam. His four brothers and a son all served in the United States military, as does his son-in-law today who is actively serving in the United States Navy. After retiring from the Army, he continued that service to his country for almost three decades with the Internal Revenue Service, where his wife Valerie has also worked.

The gentleman from Georgia is a particularly appropriate person to present this resolution today because after living through a life of segregation in South Carolina, Vern was present that day, JOHN LEWIS, when you along with Dr. Martin Luther King spoke down The Mall here in the famous "I Have a Dream" speech and the celebration at the Lincoln Memorial. His dream, he saw in his service to his country through the Army and through the Internal Revenue Service, was a dream rooted in freedom and justice; and 45 years after that speech, Vernon was able to witness America's progress when he himself served as a delegate for President Obama.

Dr. Martin Luther King once said: "The quality, not the longevity, of one's life is what is important." Because Vern Hunter cared enough to make a difference, Austin and this Nation that he loved so much and served his whole life was made better. In a remarkable statement at a moment of such great pain, the Hunter family expressed its personal forgiveness of the suicide attacker and expressed sym-

pathy for the attacker's family. These moving words of peace reflect the power of their own faith and the strength of spirit, both of the Hunter family and the Greater Mount Zion Baptist Church family, led by Reverend Gaylon Clark. Vern, his life and his family are a testament about what is best in our country. In him, we have lost a true American hero.

Today I respectfully ask that my colleagues join in adopting this resolution to honor him, the other victims, the employees, and the rescuers and to renounce violence against those who are serving our country.

Mr. BOUSTANY. Madam Speaker, now I would like to yield such time as he may consume to the gentleman from Texas (Mr. MCCAUL) in whose district this tragic event occurred.

Mr. MCCAUL. I thank the gentleman for yielding. And I thank the gentleman from Austin, Mr. DOGGETT, for introducing this resolution. We share Austin, and we share in our grief and share in these tragic events that occurred on February 18. I was in Austin. I was driving, and I saw a bunch of smoke coming out of some Federal buildings where I used to work with the Joint Terrorism Task Force and the FBI, right next door to the IRS building.

I called the police chief that day, and I said, What happened? Police Chief Acevedo said that a plane had flown into the Federal building, and I said, Well, do you know if it was an accident? He said, No, Congressman, it was intentional. And at that point in time, we knew that this was not just some accidental mishap, airplane getting off course, mechanical problems, but rather an intentional act of violence.

What I saw at the scene was quite astounding, and I'm sure the gentleman from Austin saw it as well. The airplane was a rather small aircraft, yet the damage that was done was massive, almost bringing the entire Federal building down. As it was in flames that fateful day, it reminded me a bit of Oklahoma City. It also looked like a sort of smaller version of 9/11. As the flames went up, as the glass blew out, a technician by the name of Robin De Haven, probably one of the great heroes that day, removed glass from the back side of the building and saved five employees of the IRS.

Our thoughts and prayers go to the Hunter family. Vernon Hunter served his country and served in the IRS. He also served in the United States Army for 20 years. His office was right above where the airplane crashed into that building. The plane literally skipped off the top of a car and went into the first floor of the building in an intentional act to kill people.

And I was asked a question at the press conference with the police chief and the fire department, Well, Congressman, was this an act of terrorism? Well, I guess it's all how you define "act of terrorism." But what I said was, Anytime somebody flies an airplane intentionally into a Federal



building to kill people, I think that is an act of terror. And if you ask the Federal employees that day what they thought, well, they certainly thought it was an act of terror as well. We need to stop this in this country. We need to stop this.

The heroism on the part of the Austin Police Department, the fire department, the FBI and the first responders in responding to this tragic scene and saving so many lives when we saw this massive destruction, the great miracle that day was that more people were not killed. Those first responders saved countless lives, and we owe them a debt of gratitude for their great, great service to not only the city of Austin but to the American people.

So with that, let me again thank the gentleman from Austin for introducing this resolution. It's very timely. We do share that city together. We work well together, and I think, again, we share the grief of the loss. We share the tragic event, and we also share the belief that this was really an intentional act, an act of terror that we need to stop in this country.

Mr. BOUSTANY. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEWIS of Georgia. Having no further requests for time, Madam Speaker, I yield the balance of my time to the gentleman from Texas to close.

Mr. DOGGETT. I thank both gentlemen. I want to applaud the remarks of my colleague Mr. MCCAUL, both the remarks that he made here today and the remarks that he made on the afternoon of this tragedy, under what I know was a very stressful situation.

□ 1345

I believe that we share a common purpose here. No one was looking to see which party, a member of the IRS was that day, or what part of the City of Austin. It affected our entire community. I had not used the term earlier, but I must say I also agree with his conclusion that like the much larger-scale tragedy in Oklahoma City, this was an act of domestic terrorism. But let's not quibble over the terms; it was the harm that was done and the promotion of that harm and violence. There is nothing noble about terror. Any expression to the contrary deserves our condemnation.

As I read the statement that the pilot put up on his website, which was a rather confusing diatribe, I noticed particularly his quotation, "violence not only is the answer, it is the only answer," and in response almost immediately, some folks set up a Facebook page and called themselves "fans" of this suicide attacker. Sporting a "Don't Tread on Me" flag, the so-called "fan page" to the murderer misappropriated Thomas Jefferson's famous words that "the tree of liberty must be refreshed from time to time with the blood of patriots and tyrants." This resolution soundly rejects, in a bipartisan manner, such appalling tributes.

The patriots were working in the building that day, not working to kill public servants. The heroes were people like Vern Hunter who were doing their job on behalf of their country, not trying to destroy their fellow human beings.

I believe we must turn down the volume on hate if we are to avoid reoccurrence of such baseless terror attacks. In our country, there is room for wide and vigorous political discourse and disagreement—our democracy thrives on it—but there is no room for violence or the dangerous incitement to violence. We get change through the ballot box, not by bullets, not by suicide airplane attacks. Let us speak today with one strong, unequivocal voice renouncing this attack. We reject the path of hate, and we reject the call to violence.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and agree to the resolution, H. Res. 1127.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DOGGETT. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

adoption of H. Res. 1126, by the yeas and nays;

motion to suspend the rules on H. Res. 747, by the yeas and nays;

motion to suspend the rules on H. Res. 1096, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### PROVIDING FOR CONSIDERATION OF H.R. 4247, PREVENTING HARM- FUL RESTRAINT AND SECLUSION IN SCHOOLS ACT

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 1126, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 228, nays 184, not voting 19, as follows:

[Roll No. 78]

YEAS—228

Ackerman	Hall (NY)	Ortiz
Adler (NJ)	Halvorson	Owens
Altmire	Hare	Pallone
Andrews	Harman	Pascarell
Arcuri	Hastings (FL)	Pastor (AZ)
Baca	Heinrich	Payne
Baird	Higgins	Perlmutter
Baldwin	Himes	Perriello
Barrow	Hinchee	Peters
Bean	Hirono	Peterson
Becerra	Hodes	Pingree (ME)
Berkley	Holden	Polis (CO)
Berman	Holt	Pomeroy
Berry	Honda	Price (NC)
Bishop (GA)	Hoyer	Quigley
Bishop (NY)	Inslee	Rahall
Blumenauer	Israel	Rangel
Bocchieri	Jackson (IL)	Reyes
Boren	Johnson (GA)	Richardson
Boswell	Johnson, E. B.	Rodriguez
Boucher	Kagen	Ross
Boyd	Kanjorski	Rothman (NJ)
Brady (PA)	Kaptur	Roybal-Allard
Braley (IA)	Kennedy	Ruppersberger
Brown, Corrine	Kildee	Rush
Butterfield	Kilpatrick (MI)	Ryan (OH)
Capps	Kilroy	Salazar
Capuano	Kind	Sánchez, Linda
Cardoza	Kissell	T.
Carnahan	Klein (FL)	Sanchez, Loretta
Carney	Kosmas	Sarbanes
Carson (IN)	Kucinich	Schakowsky
Castor (FL)	Langevin	Schauer
Chandler	Larsen (WA)	Schiff
Chu	Larson (CT)	Schrader
Clarke	Lee (CA)	Schwartz
Clay	Levin	Scott (GA)
Cleaver	Lewis (GA)	Scott (VA)
Clyburn	Lipinski	Sestak
Cohen	Loebach	Shea-Porter
Connolly (VA)	Lofgren, Zoe	Sherman
Conyers	Lowey	Sires
Cooper	Lujan	Skelton
Costa	Lynch	Slaughter
Costello	Maffei	Smith (WA)
Courtney	Maloney	Snyder
Crowley	Markey (CO)	Space
Cuellar	Markey (MA)	Speier
Cummings	Marshall	Spratt
Davis (CA)	Massa	Stark
Davis (IL)	Matheson	Stupak
Davis (TN)	Matsui	Sutton
DeFazio	McCarthy (NY)	Tanner
DeGette	McColum	Teague
Delahunt	McDermott	Thompson (CA)
DeLauro	McGovern	Thompson (MS)
Dicks	McIntyre	Tierney
Dingell	McNerney	Titus
Doggett	Meek (FL)	Tonko
Doyle	Meeke (NY)	Towns
Edwards (MD)	Melancon	Tsongas
Edwards (TX)	Michaud	Van Hollen
Engel	Miller (NC)	Velázquez
Etheridge	Miller, George	Visclosky
Farr	Minnick	Walz
Fattah	Mollohan	Waters
Filner	Moore (KS)	Watson
Foster	Moore (WI)	Watt
Frank (MA)	Moran (VA)	Waxman
Fudge	Murphy (CT)	Weiner
Gonzalez	Murphy, Patrick	Welch
Gordon (TN)	Nadler (NY)	Wilson (OH)
Grayson	Neal (MA)	Woolsey
Green, Al	Nye	Wu
Green, Gene	Oberstar	Yarmuth
Grijalva	Obey	
Gutierrez	Oliver	

NAYS—184

Aderholt	Boozman	Carter
Akin	Boustany	Cassidy
Alexander	Brady (TX)	Castle
Austria	Bright	Chaffetz
Bachmann	Broun (GA)	Childers
Bachus	Brown (SC)	Coble
Bartlett	Brown-Waite,	Coffman (CO)
Barton (TX)	Ginny	Cole
Biggert	Buchanan	Conaway
Bilbray	Burgess	Crenshaw
Bilirakis	Burton (IN)	Culberson
Bishop (UT)	Buyer	Davis (KY)
Blackburn	Calvert	Dent
Blunt	Camp	Diaz-Balart, L.
Boehner	Cantor	Diaz-Balart, M.
Bonner	Cao	Donnelly (IN)
Bono Mack	Capito	Dreier

Driehaus  
Duncan  
Ehlers  
Ellsworth  
Emerson  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Griffith  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Hill  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kline (MN)  
Kratovil

Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mitchell  
Moran (KS)  
Murphy (NY)  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Olson  
Paul  
Paulsen  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)

Putnam  
Radanovich  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Taylor  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Upton  
Walden  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

## NOT VOTING—19

Barrett (SC)  
Campbell  
Dahlkemper  
Davis (AL)  
Deal (GA)  
Ellison  
Eshoo

Fallin  
Garamendi  
Hinojosa  
Hoekstra  
Jackson Lee  
(TX)  
McMahon

Napolitano  
Serrano  
Sullivan  
Turner  
Wamp  
Wasserman  
Schultz

□ 1416

Messrs. ROGERS of Alabama and CHILDERS changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MCMAHON. Madam Speaker, on rollcall No. 78, had I been present, I would have voted “yes.”

Ms. ESHOO. Madam Speaker, I was not present during rollcall vote No. 78 on March 3, 2010. I would like the RECORD to reflect how I would have voted:

On rollcall vote No. 78, I would have voted “yes.”

# CONGRATULATING UNITED STATES MILITARY ACADEMY AT WEST POINT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 747, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. MAR-

SHALL) that the House suspend the rules and agree to the resolution, H. Res. 747.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 15, as follows:

[Roll No. 79]

## YEAS—416

Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggett  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Bocieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Brown, Corrine  
Brown-Waite, Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Clever  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello

Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Brown, Corrine  
Brown-Waite, Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Clever  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello

Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McColum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)

Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Issa  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Olver  
Ortiz  
Owens  
Pallone  
Pascarella  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)

Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royer  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires

Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## NOT VOTING—15

Barrett (SC)  
Butterfield  
Campbell  
Dahlkemper  
Davis (AL)  
Deal (GA)

Fallin  
Garamendi  
Hinojosa  
Hoekstra  
Jackson Lee  
(TX)

Sullivan  
Turner  
Wamp  
Wasserman  
Schultz

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1425

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## CENSUS AWARENESS MONTH

The SPEAKER pro tempore (Mr. SALAZAR). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1096, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 1096, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 409, noes 1, answered “present” 1, not voting 20, as follows:

[Roll No. 80]

AYES—409

Ackerman	Connolly (VA)	Hensarling
Aderholt	Conyers	Herger
Adler (NJ)	Cooper	Herseth Sandlin
Akin	Costa	Higgins
Alexander	Costello	Hill
Altmire	Courtney	Himes
Andrews	Crenshaw	Hinchey
Arcuri	Crowley	Hirono
Austria	Cuellar	Hodes
Baca	Culberson	Holden
Bachmann	Cummings	Holt
Bachus	Davis (CA)	Honda
Baird	Davis (IL)	Hoyer
Baldwin	Davis (KY)	Hunter
Barrow	Davis (TN)	Inglis
Bartlett	DeFazio	Inslee
Barton (TX)	DeGette	Israel
Bean	Delahunt	Issa
Becerra	DeLauro	Jackson (IL)
Berkley	Dent	Jenkins
Berman	Diaz-Balart, L.	Johnson (GA)
Berry	Diaz-Balart, M.	Johnson (IL)
Biggert	Dicks	Johnson, E. B.
Bilirakis	Dingell	Johnson, Sam
Bishop (GA)	Doggett	Jones
Bishop (NY)	Donnelly (IN)	Jordan (OH)
Blackburn	Doyle	Kagen
Blumenauer	Dreier	Kanjorski
Blunt	Driehaus	Kaptur
Boccieri	Duncan	Kennedy
Boehner	Edwards (MD)	Kildee
Bonner	Edwards (TX)	Kilpatrick (MI)
Bono Mack	Ehlers	Kilroy
Boozman	Ellison	Kind
Boren	Ellsworth	King (IA)
Boswell	Emerson	King (NY)
Boucher	Engel	Kirk
Boustany	Eshoo	Kirkpatrick (AZ)
Boyd	Etheridge	Kissell
Brady (PA)	Farr	Klein (FL)
Brady (TX)	Fattah	Kline (MN)
Braley (IA)	Filner	Kosmas
Bright	Flake	Kratovil
Broun (GA)	Fleming	Kucinich
Brown (SC)	Forbes	Lamborn
Brown, Corrine	Fortenberry	Lance
Buchanan	Foster	Langevin
Burgess	Fox	Larsen (WA)
Burton (IN)	Frank (MA)	Larson (CT)
Butterfield	Franks (AZ)	Latham
Buyer	Frelinghuysen	LaTourette
Calvert	Fudge	Latta
Camp	Gallely	Lee (CA)
Cantor	Garrett (NJ)	Lee (NY)
Cao	Gerlach	Levin
Capito	Giffords	Lewis (CA)
Capps	Gingrey (GA)	Lewis (GA)
Capuano	Gonzalez	Lipinski
Cardoza	Goodlatte	LoBiondo
Carnahan	Gordon (TN)	Loeb
Carney	Granger	Lofgren, Zoe
Carson (IN)	Graves	Lowey
Carter	Grayson	Lucas
Cassidy	Green, Al	Luetkemeyer
Castle	Green, Gene	Lujan
Castor (FL)	Griffith	Lummis
Chaffetz	Grijalva	Lungren, Daniel
Chandler	Guthrie	E.
Childers	Gutierrez	Lynch
Chu	Hall (NY)	Mack
Clarke	Hall (TX)	Maffei
Clay	Halvorson	Maloney
Cleaver	Hare	Manzullo
Clyburn	Harman	Marchant
Coble	Harper	Markey (CO)
Coffman (CO)	Hastings (FL)	Markey (MA)
Cohen	Hastings (WA)	Marshall
Cole	Heinrich	Massa
Conaway	Heller	Matheson

Matsui	Peterson	Shuler
McCarthy (CA)	Petri	Shuster
McCarthy (NY)	Pingree (ME)	Simpson
McCaul	Pitts	Sires
McClintock	Platts	Skelton
McCollum	Poe (TX)	Slaughter
McCotter	Polis (CO)	Smith (NE)
McDermott	Posey	Smith (NJ)
McGovern	Price (GA)	Smith (TX)
McHenry	Price (NC)	Smith (WA)
McIntyre	Putnam	Snyder
McKeon	Quigley	Souder
McMahon	Radanovich	Space
McMorris	Rahall	Speier
Rodgers	Rangel	Spratt
McNerney	Rehberg	Stark
Meek (FL)	Reichert	Stearns
Meeks (NY)	Reyes	Stupak
Melancon	Richardson	Sutton
Mica	Rodriguez	Tanner
Michaud	Roe (TN)	Taylor
Miller (FL)	Rogers (AL)	Teague
Miller (MI)	Rogers (KY)	Terry
Miller (NC)	Rogers (MI)	Thompson (CA)
Miller, Gary	Rohrabacher	Thompson (MS)
Miller, George	Rooney	Thompson (PA)
Minnick	Ros-Lehtinen	Thornberry
Mitchell	Roskam	Tiahrt
Mollohan	Ross	Tiberi
Moore (KS)	Rothman (NJ)	Tierney
Moore (WI)	Roybal-Allard	Titus
Moran (KS)	Royce	Tonko
Moran (VA)	Ruppersberger	Towns
Murphy (CT)	Rush	Tsongas
Murphy (NY)	Ryan (OH)	Upton
Murphy, Patrick	Ryan (WI)	Van Hollen
Murphy, Tim	Salazar	Velázquez
Myrick	Sánchez, Linda	Visclosky
Nadler (NY)	T.	Walden
Napolitano	Sanchez, Loretta	Walz
Neal (MA)	Sarbanes	Waters
Neugebauer	Scalise	Watson
Nunes	Schakowsky	Watt
Nye	Schauer	Waxman
Oberstar	Schiff	Weiner
Obey	Schmidt	Welch
Olson	Schock	Westmoreland
Oliver	Schrader	Whitfield
Ortiz	Schwartz	Wilson (OH)
Owens	Scott (GA)	Wilson (SC)
Pallone	Scott (VA)	Wittman
Pascarella	Sensenbrenner	Wolf
Pastor (AZ)	Serrano	Woolsey
Paulsen	Sessions	Wu
Payne	Sestak	Yarmuth
Pence	Shadegg	Young (AK)
Perlmutter	Shea-Porter	Young (FL)
Perriello	Sherman	
Peters	Shimkus	

NOES—1

Paul

ANSWERED “PRESENT”—1

Bishop (UT)

NOT VOTING—20

Barrett (SC)	Fallin	Linder
Bilbray	Garamendi	Pomeroy
Brown-Waite,	Gohmert	Sullivan
Ginny	Hinojosa	Turner
Campbell	Hoekstra	Wamp
Dahlkemper	Jackson Lee	Wasserman
Davis (AL)	(TX)	Schultz
Deal (GA)	Kingston	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1435

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PARLIAMENTARY INQUIRIES

Mr. CARTER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. CARTER. Mr. Speaker, the gentleman from New York (Mr. RANGEL) submitted a letter to the Speaker of the House, Nancy PELOSI, that states, “I request leave of absence from my duties and responsibilities as chairman of the Committee on Ways and Means until such time as the Committee on Standards completes its finding on the review currently underway.”

This morning, that letter to the Speaker was read into the proceedings, and at that time the Speaker pro tem, Ms. SCHAKOWSKY, in accepting the letter stated, “The resignation is accepted.”

I have a parliamentary inquiry regarding the nature of the resignation. Under this morning’s procedure, is Mr. RANGEL the chairman of the Committee on Ways and Means?

The SPEAKER pro tempore. This morning, the House accepted the resignation of the gentleman from New York as chair of the Committee on Ways and Means. He has resigned from the chairmanship of the Committee on Ways and Means.

Mr. CARTER. So does that mean the answer is no, he is not the chairman?

The SPEAKER pro tempore. That is correct.

Mr. CARTER. Further parliamentary inquiry, under House rule X, clause 5(c), which states, “In the absence of the member serving as chair, the member next in rank (and so on, as often as the case shall happen) shall act as chair.”

Mr. Speaker, under the rules of the House, who is currently the chair of the Committee on Ways and Means?

The SPEAKER pro tempore. In the case to which the inquiry alludes, the member of the committee next in rank is the gentleman from California (Mr. STARK), so he would currently act as chair.

Mr. CARTER. Mr. Speaker, further parliamentary inquiry, under House Resolution 24, the gentleman from California (Mr. STARK) ranks next after Mr. RANGEL on the resolution electing the members of the committee. Under that resolution and by operation of House rule X, clause 5(c), Mr. STARK is currently the chairman of Ways and Means as I understand the answer. Is that correct?

The SPEAKER pro tempore. The gentleman from California is acting chair. Clause 5(c) of rule X contemplates that the House will again establish an elected chair by adopting a resolution, which typically is produced by direction of the majority party caucus.

Mr. CARTER. Further parliamentary inquiry, in light of Mr. RANGEL’s letter to the Speaker, which states in relevant part that he requests a leave of absence, does reinstating the gentleman from New York (Mr. RANGEL) to the chairmanship of the Committee on Ways and Means require, as a necessary action, the adopting of a resolution by the full House of Representatives electing him as chair?

The SPEAKER pro tempore. The gentleman is stating a hypothetical. The Chair will not comment.

Mr. CARTER. Final parliamentary inquiry, under House rule X, clause 5, does Mr. STARK assume the chairmanship of the Committee on Ways and Means immediately and without any further vote or ratification of the House of Representatives?

The SPEAKER pro tempore. Mr. STARK is acting chair. As the Chair stated before, clause 5(c) of rule X contemplates that the House will again establish an elected chair by adopting a resolution, which typically is produced by direction of the majority party caucus.

## PREVENTING HARMFUL RESTRAINT AND SECLUSION IN SCHOOLS ACT

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 1126, I call up the bill (H.R. 4247) to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1126, the bill is considered read. The amendment in the nature of a substitute printed in the bill is adopted.

The text of the bill, as amended, is as follows:

H.R. 4247

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Preventing Harmful Restraint and Seclusion in Schools Act”.

### SEC. 2. FINDINGS.

Congress finds the following:

(1) Physical restraint and seclusion have resulted in physical injury, psychological trauma, and death to children in public and private schools. National research shows students have been subjected to physical restraint and seclusion in schools as a means of discipline, to force compliance, or as a substitute for appropriate educational support.

(2) Behavioral interventions for children must promote the right of all children to be treated with dignity. All children have the right to be free from physical or mental abuse, aversive behavioral interventions that compromise health and safety, and any physical restraint or seclusion imposed solely for purposes of discipline or convenience.

(3) Safe, effective, evidence-based strategies are available to support children who display challenging behaviors in school settings. Staff training focused on the dangers of physical restraint and seclusion as well as training in evidence-based positive behavior supports, de-escalation techniques, and physical restraint and seclusion prevention, can reduce the incidence of injury, trauma, and death.

(4) School personnel have the right to work in a safe environment and should be provided training and support to prevent injury and trauma to themselves and others.

(5) Despite the widely recognized risks of physical restraint and seclusion, a substantial disparity exists among many States and localities with regard to the protection and oversight of the rights of children and school personnel to a safe learning environment.

(6) Children are subjected to physical restraint and seclusion at higher rates than adults. Physical restraint which restricts breathing or causes other body trauma, as well as seclusion in the absence of continuous face-to-face monitoring, have resulted in the deaths of children in schools.

(7) Children are protected from inappropriate physical restraint and seclusion in other settings, such as hospitals, health facilities, and non-medical community-based facilities. Similar protections are needed in schools, yet such protections must acknowledge the differences of the school environment.

(8) Research confirms that physical restraint and seclusion are not therapeutic, nor are these practices effective means to calm or teach children, and may have an opposite effect while simultaneously decreasing a child's ability to learn.

(9) The effective implementation of school-wide positive behavior supports is linked to greater academic achievement, significantly fewer disciplinary problems, increased instruction time, and staff perception of a safer teaching environment.

### SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) prevent and reduce the use of physical restraint and seclusion in schools;

(2) ensure the safety of all students and school personnel in schools and promote a positive school culture and climate;

(3) protect students from—

(A) physical or mental abuse;

(B) aversive behavioral interventions that compromise health and safety; and

(C) any physical restraint or seclusion imposed solely for purposes of discipline or convenience;

(4) ensure that physical restraint and seclusion are imposed in school only when a student's behavior poses an imminent danger of physical injury to the student, school personnel, or others; and

(5) assist States, local educational agencies, and schools in—

(A) establishing policies and procedures to keep all students, including students with the most complex and intensive behavioral needs, and school personnel safe;

(B) providing school personnel with the necessary tools, training, and support to ensure the safety of all students and school personnel;

(C) collecting and analyzing data on physical restraint and seclusion in schools; and

(D) identifying and implementing effective evidence-based models to prevent and reduce physical restraint and seclusion in schools.

### SEC. 4. DEFINITIONS.

In this Act:

(1) **CHEMICAL RESTRAINT.**—The term “chemical restraint” means a drug or medication used on a student to control behavior or restrict freedom of movement that is not—

(A) prescribed by a licensed physician for the standard treatment of a student's medical or psychiatric condition; and

(B) administered as prescribed by the licensed physician.

(2) **EDUCATIONAL SERVICE AGENCY.**—The term “educational service agency” has the meaning given such term in section 9101(17) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(17)).

(3) **ELEMENTARY SCHOOL.**—The term “elementary school” has the meaning given the term in section 9101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(18)).

(4) **LOCAL EDUCATIONAL AGENCY.**—The term “local educational agency” has the meaning given the term in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26)).

(5) **MECHANICAL RESTRAINT.**—The term “mechanical restraint” has the meaning given the

term in section 595(d)(1) of the Public Health Service Act (42 U.S.C. 290jj(d)(1)), except that the meaning shall be applied by substituting “student's” for “resident's”.

(6) **PARENT.**—The term “parent” has the meaning given the term in section 9101(31) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(31)).

(7) **PHYSICAL ESCORT.**—The term “physical escort” has the meaning given the term in section 595(d)(2) of the Public Health Service Act (42 U.S.C. 290jj(d)(2)), except that the meaning shall be applied by substituting “student” for “resident”.

(8) **PHYSICAL RESTRAINT.**—The term “physical restraint” has the meaning given the term in section 595(d)(3) of the Public Health Service Act (42 U.S.C. 290jj(d)(3)).

(9) **POSITIVE BEHAVIOR SUPPORTS.**—The term “positive behavior supports” means a systematic approach to embed evidence-based practices and data-driven decisionmaking to improve school climate and culture, including a range of systemic and individualized strategies to reinforce desired behaviors and diminish reoccurrence of problem behaviors, in order to achieve improved academic and social outcomes and increase learning for all students, including those with the most complex and intensive behavioral needs.

(10) **PROTECTION AND ADVOCACY SYSTEM.**—The term “protection and advocacy system” means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

(11) **SCHOOL.**—The term “school” means an entity—

(A) that—

(i) is a public or private—

(I) day or residential elementary school or secondary school; or

(II) early childhood, elementary school, or secondary school program that is under the jurisdiction of a school, educational service agency, or other educational institution or program; and

(ii) receives, or serves students who receive, support in any form from any program supported, in whole or in part, with funds appropriated to the Department of Education; or

(B) that is a school funded or operated by the Department of the Interior.

(12) **SCHOOL PERSONNEL.**—The term “school personnel” has the meaning—

(A) given the term in section 4151(10) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7161(10)); and

(B) given the term “school resource officer” in section 4151(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7161(11)).

(13) **SECONDARY SCHOOL.**—The term “secondary school” has the meaning given the term in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38)).

(14) **SECLUSION.**—The term “seclusion” has the meaning given the term in section 595(d)(4) of the Public Health Service Act (42 U.S.C. 290jj(d)(4)).

(15) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

(16) **STATE-APPROVED CRISIS INTERVENTION TRAINING PROGRAM.**—The term “State-approved crisis intervention training program” means a training program approved by a State and the Secretary that, at a minimum, provides—

(A) evidence-based techniques shown to be effective in the prevention of physical restraint and seclusion;

(B) evidence-based techniques shown to be effective in keeping both school personnel and students safe when imposing physical restraint or seclusion;

(C) evidence-based skills training related to positive behavior supports, safe physical escort, conflict prevention, understanding antecedents, de-escalation, and conflict management;

(D) first aid and cardiopulmonary resuscitation;

(E) information describing State policies and procedures that meet the minimum standards established by regulations promulgated pursuant to section 5(a); and

(F) certification for school personnel in the techniques and skills described in subparagraphs (A) through (D), which shall be required to be renewed on a periodic basis.

(17) **STATE.**—The term “State” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(18) **STATE EDUCATIONAL AGENCY.**—The term “State educational agency” has the meaning given the term in section 9101(41) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(41)).

(19) **STUDENT.**—The term “student” means a student enrolled in a school defined in section 11, except that in the case of a private school or private program, such term means a student enrolled in such school or program who receives support in any form from any program supported, in whole or in part, with funds appropriated to the Department of Education.

(20) **TIME OUT.**—The term “time out” has the meaning given the term in section 595(d)(5) of the Public Health Service Act (42 U.S.C. 290jj(d)(5)), except that the meaning shall be applied by substituting “student” for “resident”.

## **SEC. 5. MINIMUM STANDARDS; RULE OF CONSTRUCTION.**

(a) **MINIMUM STANDARDS.**—Not later than 180 days after the date of the enactment of this Act, in order to protect each student from physical or mental abuse, aversive behavioral interventions that compromise student health and safety, or any physical restraint or seclusion imposed solely for purposes of discipline or convenience or in a manner otherwise inconsistent with this Act, the Secretary shall promulgate regulations establishing the following minimum standards:

(1) School personnel shall be prohibited from imposing on any student the following:

(A) Mechanical restraints.

(B) Chemical restraints.

(C) Physical restraint or physical escort that restricts breathing.

(D) Aversive behavioral interventions that compromise health and safety.

(2) School personnel shall be prohibited from imposing physical restraint or seclusion on a student unless—

(A) the student’s behavior poses an imminent danger of physical injury to the student, school personnel, or others;

(B) less restrictive interventions would be ineffective in stopping such imminent danger of physical injury;

(C) such physical restraint or seclusion is imposed by school personnel who—

(i) continuously monitor the student face-to-face; or

(ii) if school personnel safety is significantly compromised by such face-to-face monitoring, are in continuous direct visual contact with the student;

(D) such physical restraint or seclusion is imposed by—

(i) school personnel trained and certified by a State-approved crisis intervention training program (as defined in section 4(16)); or

(ii) other school personnel in the case of a rare and clearly unavoidable emergency circumstance when school personnel trained and certified as described in clause (i) are not immediately available due to the unforeseeable nature of the emergency circumstance; and

(E) such physical restraint or seclusion end immediately upon the cessation of the conditions described in subparagraphs (A) and (B).

(3) States and local educational agencies shall ensure that a sufficient number of personnel are trained and certified by a State-approved crisis intervention training program (as defined in section 4(16)) to meet the needs of the specific student population in each school.

(4) The use of physical restraint or seclusion as a planned intervention shall not be written into a student’s education plan, individual safety plan, behavioral plan, or individualized education program (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)). Local educational agencies or schools may establish policies and procedures for use of physical restraint or seclusion in school safety or crisis plans, provided that such school plans are not specific to any individual student.

(5) Schools shall establish procedures to be followed after each incident involving the imposition of physical restraint or seclusion upon a student, including—

(A) procedures to provide to the parent of the student, with respect to each such incident—

(i) an immediate verbal or electronic communication on the same day as each such incident; and

(ii) within 24 hours of each such incident, written notification; and

(B) any other procedures the Secretary determines appropriate.

(b) **SECRETARY OF THE INTERIOR.**—The Secretary of the Interior shall ensure that schools operated or funded by the Department of the Interior comply with the regulations promulgated by the Secretary under subsection (a).

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to authorize the Secretary to promulgate regulations prohibiting the use of—

(1) time out (as defined in section 4(20)); or

(2) devices implemented by trained school personnel, or utilized by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including—

(A) restraints for medical immobilization;

(B) adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or

(C) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; or

(3) handcuffs by school resource officers (as such term is defined in section 4151(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7161(11)))—

(A) in the—

(i) case when a student’s behavior poses an imminent danger of physical injury to the student, school personnel, or others; or

(ii) lawful exercise of law enforcement duties; and

(B) less restrictive interventions would be ineffective.

## **SEC. 6. STATE PLAN AND REPORT REQUIREMENTS AND ENFORCEMENT.**

(a) **STATE PLAN.**—Not later than 2 years after the Secretary promulgates regulations pursuant to section 5(a), and each year thereafter, each State educational agency shall submit to the Secretary a State plan that provides—

(1) assurances to the Secretary that the State has in effect—

(A) State policies and procedures that meet the minimum standards, including the standards with respect to State-approved crisis intervention training programs, established by regulations promulgated pursuant to section 5(a); and

(B) a State mechanism to effectively monitor and enforce the minimum standards;

(2) a description of the State policies and procedures, including a description of the State-approved crisis intervention training programs in such State; and

(3) a description of the State plans to ensure school personnel and parents, including private school personnel and parents, are aware of the State policies and procedures.

(b) **REPORTING.**—

(1) **REPORTING REQUIREMENTS.**—Not later than 2 years after the date the Secretary promulgates

regulations pursuant to section 5(a), and each year thereafter, each State educational agency shall (in compliance with the requirements of section 444 of the General Education Provisions Act (commonly known as the “Family Educational Rights and Privacy Act of 1974”) (20 U.S.C. 1232g)) prepare and submit to the Secretary, and make available to the public, a report with respect to each local educational agency, and each school not under the jurisdiction of a local educational agency, located in the same State as such State educational agency that includes the information described in paragraph (2).

(2) **INFORMATION REQUIREMENTS.**—

(A) **GENERAL INFORMATION REQUIREMENTS.**—The report described in paragraph (1) shall include information on—

(i) the total number of incidents in the preceding full-academic year in which physical restraint was imposed upon a student; and

(ii) the total number of incidents in the preceding full-academic year in which seclusion was imposed upon a student.

(B) **DISAGGREGATION.**—

(i) **GENERAL DISAGGREGATION REQUIREMENTS.**—The information described in subparagraph (A) shall be disaggregated by—

(I) the total number of incidents in which physical restraint or seclusion was imposed upon a student—

(aa) that resulted in injury;

(bb) that resulted in death; and

(cc) in which the school personnel imposing physical restraint or seclusion were not trained and certified as described in section 5(a)(2)(D)(i); and

(II) the demographic characteristics of all students upon whom physical restraint or seclusion was imposed, including—

(aa) the categories identified in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i));

(bb) age; and

(cc) disability status (which has the meaning given the term “individual with a disability” in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20))).

(ii) **UNDULATED COUNT; EXCEPTION.**—The disaggregation required under clause (i) shall—

(I) be carried out in a manner to ensure an unduplicated count of the—

(aa) total number of incidents in the preceding full-academic year in which physical restraint was imposed upon a student; and

(bb) total number of incidents in the preceding full-academic year in which seclusion was imposed upon a student; and

(II) not be required in a case in which the number of students in a category would reveal personally identifiable information about an individual student.

(c) **ENFORCEMENT.**—

(1) **IN GENERAL.**—

(A) **USE OF REMEDIES.**—If a State educational agency fails to comply with subsection (a) or (b), the Secretary shall—

(i) withhold, in whole or in part, further payments under an applicable program (as such term is defined in section 400(c) of the General Education Provisions Act (20 U.S.C. 1221)) in accordance with section 455 of such Act (20 U.S.C. 1234d);

(ii) require a State educational agency to submit, and implement, within 1 year of such failure to comply, a corrective plan of action, which may include redirection of funds received under an applicable program; or

(iii) issue a complaint to compel compliance of the State educational agency through a cease and desist order, in the same manner the Secretary is authorized to take such action under section 456 of the General Education Provisions Act (20 U.S.C. 1234e).

(B) **CESSATION OF WITHHOLDING OF FUNDS.**—Whenever the Secretary determines (whether by certification or other appropriate evidence) that

a State educational agency who is subject to the withholding of payments under subparagraph (A)(i) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments with respect to the State educational agency under such subparagraph.

(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to limit the Secretary's authority under the General Education Provisions Act (20 U.S.C. 1221 et seq.).

#### SEC. 7. GRANT AUTHORITY.

(a) **IN GENERAL.**—From the amount appropriated under section 12, the Secretary may award grants to State educational agencies to assist the agencies in—

(1) establishing, implementing, and enforcing the policies and procedures to meet the minimum standards established by regulations promulgated by the Secretary pursuant to section 5(a);

(2) improving State and local capacity to collect and analyze data related to physical restraint and seclusion; and

(3) improving school climate and culture by implementing school-wide positive behavior support approaches.

(b) **DURATION OF GRANT.**—A grant under this section shall be awarded to a State educational agency for a 3-year period.

(c) **APPLICATION.**—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including information on how the State educational agency will target resources to schools and local educational agencies in need of assistance related to preventing and reducing physical restraint and seclusion.

(d) **AUTHORITY TO MAKE SUBGRANTS.**—

(1) **IN GENERAL.**—A State educational agency receiving a grant under this section may use such grant funds to award subgrants, on a competitive basis, to local educational agencies.

(2) **APPLICATION.**—A local educational agency desiring to receive a subgrant under this section shall submit an application to the applicable State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

(e) **PRIVATE SCHOOL PARTICIPATION.**—

(1) **IN GENERAL.**—A local educational agency receiving subgrant funds under this section shall, after timely and meaningful consultation with appropriate private school officials, ensure that private school personnel can participate, on an equitable basis, in activities supported by grant or subgrant funds.

(2) **PUBLIC CONTROL OF FUNDS.**—The control of funds provided under this section, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property.

(f) **REQUIRED ACTIVITIES.**—A State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section shall use such grant or subgrant funds to carry out the following:

(1) Researching, developing, implementing, and evaluating strategies, policies, and procedures to prevent and reduce physical restraint and seclusion in schools, consistent with the minimum standards established by regulations promulgated by the Secretary pursuant to section 5(a).

(2) Providing professional development, training, and certification for school personnel to meet such standards.

(3) Carrying out the reporting requirements under section 6(b) and analyzing the information included in a report prepared under such section to identify student, school personnel, and school needs related to use of physical restraint and seclusion.

(g) **ADDITIONAL AUTHORIZED ACTIVITIES.**—In addition to the required activities described in

subsection (f), a State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section may use such grant or subgrant funds for one or more of the following:

(1) Developing and implementing high-quality professional development and training programs to implement evidence-based systematic approaches to school-wide positive behavior supports, including improving coaching, facilitation, and training capacity for administrators, teachers, specialized instructional support personnel, and other staff.

(2) Providing technical assistance to develop and implement evidence-based systematic approaches to school-wide positive behavior supports, including technical assistance for data-driven decision-making related to behavioral supports and interventions in the classroom.

(3) Researching, evaluating, and disseminating high-quality evidence-based programs and activities that implement school-wide positive behavior supports with fidelity.

(4) Supporting other local positive behavior support implementation activities consistent with this subsection.

(h) **EVALUATION AND REPORT.**—Each State educational agency receiving a grant under this section shall, at the end of the 3-year grant period for such grant—

(1) evaluate the State's progress toward the prevention and reduction of physical restraint and seclusion in the schools located in the State, consistent with the minimum standards established by regulations promulgated by the Secretary pursuant to section 5(a); and

(2) submit to the Secretary a report on such progress.

(i) **DEPARTMENT OF THE INTERIOR.**—From the amount appropriated under section 12, the Secretary may allocate funds to the Secretary of the Interior for activities under this section with respect to schools operated or funded by the Department of the Interior, under such terms as the Secretary of Education may prescribe.

#### SEC. 8. NATIONAL ASSESSMENT.

(a) **NATIONAL ASSESSMENT.**—The Secretary shall carry out a national assessment to determine the effectiveness of this Act, which shall include—

(1) analyzing data related to physical restraint and seclusion incidents;

(2) analyzing the effectiveness of Federal, State, and local efforts to prevent and reduce the number of physical restraint and seclusion incidents in schools;

(3) identifying the types of programs and services that have demonstrated the greatest effectiveness in preventing and reducing the number of physical restraint and seclusion incidents in schools; and

(4) identifying evidence-based personnel training models with demonstrated success in preventing and reducing the number of physical restraint and seclusion incidents in schools, including models that emphasize positive behavior supports and de-escalation techniques over physical intervention.

(b) **REPORT.**—The Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate—

(1) an interim report that summarizes the preliminary findings of the assessment described in subsection (a) not later than 3 years after the date of enactment of this Act; and

(2) a final report of the findings of the assessment not later than 5 years after the date of the enactment of this Act.

#### SEC. 9. PROTECTION AND ADVOCACY SYSTEMS.

Protection and Advocacy Systems shall have the authority provided under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043) to investigate, monitor, and enforce protections provided for students under this Act.

#### SEC. 10. HEAD START PROGRAMS.

(a) **REGULATIONS.**—The Secretary of Health and Human Services, in consultation with the Secretary, shall promulgate regulations with respect to Head Start agencies administering Head Start programs under the Head Start Act (42 U.S.C. 9801 et seq.) that establish requirements consistent with—

(1) the requirements established by regulations promulgated pursuant to section 5(a); and

(2) the reporting and enforcement requirements described in subsections (b) and (c) of section 6.

(b) **GRANT AUTHORITY.**—From the amount appropriated under section 12, the Secretary may allocate funds to the Secretary of Health and Human Services to assist the Head Start agencies in establishing, implementing, and enforcing policies and procedures to meet the requirements established by regulations promulgated pursuant to subsection (a).

#### SEC. 11. LIMITATION OF AUTHORITY.

(a) **IN GENERAL.**—Nothing in this Act shall be construed to restrict or limit, or allow the Secretary to restrict or limit, any other rights or remedies otherwise available to students or parents under Federal or State law or regulation.

(b) **APPLICABILITY.**—

(1) **PRIVATE SCHOOLS.**—Nothing in this Act shall be construed to affect any private school that does not receive, or does not serve students who receive, support in any form from any program supported, in whole or in part, with funds appropriated to the Department of Education.

(2) **HOME SCHOOLS.**—Nothing in this Act shall be construed to—

(A) affect a home school, whether or not a home school is treated as a private school or home school under State law; or

(B) consider parents who are schooling a child at home as school personnel.

#### SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal year 2011 and each of the 4 succeeding fiscal years.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the amendment printed in part A of House Report 111-425, if offered by the gentleman from California (Mr. GEORGE MILLER) or his designee, which shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The amendment printed in part B of House Report 111-425, if offered by the gentleman from Arizona (Mr. FLAKE) or his designee, shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 30 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4247.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.



Mr. Speaker and Members of the House, I rise today in strong support of this bipartisan legislation that will make our classrooms safer for our children and our teachers. But first I would like to tell the story of Cedric. This is a picture of Cedric, who was a young man from Killeen, Texas, who died in his classroom when he was just 14 years of age.

Cedric was living with a foster family after an early childhood filled with abuse. Among other things, his biological family had neglected him by denying him food. Despite knowing this, on the morning he died, Cedric's teacher punished him for refusing to do his work by delaying his lunch for hours. When Cedric tried to leave his classroom to find food, his teacher put him face down in restraint and sat on him in front of his classmates. He repeatedly cried out that he could not breathe. He died minutes later on the classroom floor.

Now I would like to tell you the story of Paige. Paige was a bright, energetic, and happy young girl who started a new school in Cupertino, California. But Paige, who has Asperger's Syndrome, came home from her school the first week with bruises complaining that her teacher hurt her.

Paige's parents confronted the teacher, who denied causing the bruising. She did admit to restraining Paige for simply wiggling a loose tooth. Her parents were shocked to learn later that the teacher had lied and that she had actually held Paige face down and sat on her. Sitting on a 7-year-old for wiggling a loose tooth. Paige barely weighed 40 pounds.

Over the course of many months, Paige was repeatedly abused and injured during restraint incidents until her parents finally pulled her out of the school. She survived, but she still bears the emotional scars of this abuse.

Cedric's and Paige's stories are not isolated incidents in America's schools today. Last May, the Government Accountability Office told our committee about the shocking wave of abuse of children in our public and private schools. This abuse was happening at the hands of untrained school staff who were misusing restraint and seclusion.

Hundreds of students across the U.S. have been victims of this abuse. These victims include students with disabilities and students without disabilities. Many of these victims were children as young as 3 and 4 years of age. In some cases, children died.

Restraint and seclusion are complicated practices. They are emergency interventions that should be used only as a last resort and only by trained professionals. But GAO found that too often these techniques are being used in schools under the guise of discipline or convenience.

Last year, in my home State of California, there were more than 14,300 cases of seclusion, restraint, and other "emergency interventions." We don't know how many of these cases were actual emergencies.

We have Federal laws in place to prevent these types of abuses from happening in hospitals and other community-based facilities that receive Federal funding, but currently there are no Federal laws on the books to protect children from these abuses in the schools, where they spend most of their time.

Without a Federal standard, State policies and oversight, they vary widely, leaving children vulnerable. Of the 31 States that have established some law or regulation, many are not comprehensive in approach and several only address restraint or address seclusion, not necessarily both.

□ 1445

For example, in one State there are rules only for children enrolled in pre-K. In another, only children with autism are protected. In yet another example, only residential schools are covered. Many States allow restraints or seclusion in nonemergency situations, simply to protect property or to maintain order. No child should be subject to these extreme interventions for simple noncompliance, like the 7-year-old who died after being restrained for blowing bubbles in her milk.

Mr. Speaker, when these abuses occur, it isn't just the individual victim who suffers. It hurts their classmates who witness these traumatizing events. It undermines the vast majority of teachers and staff who are trying to give students a quality education. It's a nightmare for everyone involved. We are here today to try and end this nightmare. We are here today to make sure that no other children suffer the same fate as Cedric and Paige. The Keeping All Students Safe Act will ensure that all children are safe and protected in schools.

This bill takes a balanced approach to addressing a very serious problem. For the first time, it will establish minimum safety standards for schools, similar to Federal protections in place for children in other facilities. Under this legislation, physical restraint and seclusion can only be used to stop imminent danger of injury. The bill prohibits mechanical restraints, such as strapping children to their chairs or duct-taping parts of their bodies, and any restraint that restricts their breathing. It also prohibits chemical restraints, using medication to control behavior without a doctor's prescription. The bill also will require students to notify parents after a restraint or seclusion incident so that parents don't learn about these abuses from whistleblowing teachers or from their own children's bruises.

Mr. Speaker, we all agree that teachers play the single most important role in helping students grow, thrive, and succeed. Teachers support this bill because it focuses on keeping both students and staff safe, giving teachers the support they need to do their jobs. It asks States to ensure that enough personnel are properly trained to keep

both students and staff safe and encourages the schools to implement positive approaches to managing these behavioral issues.

Mr. Speaker, I'm very proud that we worked on this legislation in a bipartisan way. I want to thank Congresswoman CATHY MCMORRIS RODGERS for her leadership, her diligence, her persuasion, and her hard work in fashioning this legislation. I would also like to thank the National Disability Rights Network for bringing this abuse to our attention; the National School Boards Association; and more than a hundred other organizations for their support.

Everyone in this Chamber can agree that nothing is more important than keeping our children safe. It's time to try to end this abuse. I believe that this legislation will go a long way in setting the standard and showing States the way, and hopefully in the next 2 years the States will develop their own standards that at least meet these minimum standards of not depriving these children of the cushion of safety that they are entitled to and that their parents and family expect when they go to school on a daily basis.

So I would like to once again remind us of what happened to Cedric and to Paige at their age; their vulnerabilities, their history, and what happened to them one day when they went to school.

I reserve the balance of my time.

Mr. KLINE of Minnesota. I rise today in opposition to H.R. 4247, and I yield myself such time as I may consume.

Let me begin by stating unequivocally that the incidents uncovered by the GAO are unacceptable. No child should be put in physical danger by the use of seclusion or restraints in school. The tragic stories just related by the chairman of Cedric and Paige are unacceptable everywhere.

In each of the cases reviewed by the GAO, there was a criminal conviction, a finding of civil or administrative liability, or a large financial settlement. In other words, everyone agrees that what happened is simply wrong. We do not need a change in Federal law for such behavior to be condemned. Sometimes the most powerful tool we have as elected officials is the bully pulpit, and Chairman MILLER and Mrs. MCMORRIS RODGERS have certainly availed themselves of it. They have worked hard to call national attention to the misuse of seclusion and restraints in our schools.

States clearly recognize the need to proactively limit the use of these disciplinary tools. Today, 31 States have policies and procedures in place to govern when and how seclusion or restraint techniques may or may not be used. Another 15 States will have such protections in place in the near future. Many, many independent school districts and school boards have such procedures in place.

The question today is: Who is best equipped to create and enforce those

policies? To answer that question, I would point to a letter from the Council of the Great City Schools, which States, "Every injury to a student in school is a matter of serious concern, but all such incidents are not necessarily matters of Federal law." In fact, until recently, the U.S. Department of Education was not even collecting data on the use of seclusion and restraint tactics in schools. The Department has no experience or expertise regulating in this area. Yet, H.R. 4247 would establish a new, one-size-fits-all Federal framework that overrules the work of these States.

I will include the letter from the Council of the Great City Schools in the RECORD, along with letters from the U.S. Conference of Catholic Bishops, the American Association of School Administrators, the Council for American Private Education, the American Association of Christian Schools, the Association of Christian Schools International, and the National Conference of State Legislatures.

AMERICAN ASSOCIATION OF SCHOOL  
ADMINISTRATORS,  
Arlington, VA, March 2, 2010.

HOUSE OF REPRESENTATIVES,  
Washington, DC.

DEAR REPRESENTATIVE: The American Association of School Administrators, representing more than 13,000 school administrators and local educational leaders, would like to express serious concerns with HR 4247, the Preventing Harmful Restraint and Seclusion in Schools Act, which is expected to be considered in the next few days. We ask that the voices of rank-and-file teachers, principals, superintendents and school board members be heard and that HR 4247, as reported from Committee, be defeated.

The need to establish these particular federal regulations for seclusion and restraint has not been established by objective, carefully gathered and analyzed data. For example, the report by the National Disability Rights Network upon which HR 4247 partially relies mixes data from regular public schools with data from schools for children with serious behavioral disorders and institutions for students who are regularly violent. Further, the incidents took place over an unknown period of time—perhaps a decade or more. It seems to us that most of those cases took place in settings serving either the small percentage of students with serious behavior disorders or the even smaller percentage of students who are a violent danger to themselves or others. Finally, the NDN report counts incidents of seclusion and restraint without noting whether those events took place over a decade or some other time period.

The Office of Civil Rights within the U.S. Department of Education is preparing to gather more objective information this coming school year. We urge the House to await objective, uniformly reported and analyzed data from OCR before acting. Based on experience, we are sure that a student in a regular public school is extremely unlikely to be physically harmed, secluded in a windowless room, taped to a chair or handcuffed to a fence by a teacher or administrator. Just how unlikely such events are is unknown because objective, uniformly gathered and analyzed data simply are not available.

In addition, the report recently released by the U.S. Department of Education states

that 31 states currently have policies in place to oversee the use of seclusion and restraint and 15 states are in the process of adopting policies and protections. Given this massive state action, AASA questions the need for federal involvement on this issue.

Reviews of HR 4247 by state-based teacher, administrator and school board associations have identified a number of serious flaws, which they have raised to their congressional delegations, but so far their voices have not been included in the discussions.

HR 4247 includes a prohibition against including seclusion and restraint in the Individualized Education Plan (IEP) or behavioral plan. The IEP and behavioral plans are the communication platform for parents and school staff to discuss the students' needs and corresponding school interventions. Prohibiting the inclusion of seclusion and restraint in the IEP or behavioral plans where past behavior clearly indicates a need will only lead to further conflicts and misunderstandings between parents and school staff.

The Protection and Advocacy agencies are given broad undefined authority to enforce the new law. P&A agencies have long monitored and investigated on behalf of disabled students, but enforcement is new. Enforcement of federal law has been the sole responsibility of state or federal agencies. A bigger problem for school systems is that the meaning of enforcement is undefined. For example, does the enforcement authority permit P&A staff to enter schools without checking in with appropriate school personnel? Arrest authority? Authority to change school policy on the spot?

HR 4247's prohibition against mechanical restraints is too broad and could prevent appropriate use of restraints in emergency situations where students must be restrained to protect themselves and others.

This legislation applies to both the special education and regular education populations, and thus raises mandate training and reporting costs for school districts. These increased fiscal and operational burdens are accompanied by minuscule authorization and few prospects for an appropriation. A huge, new, unfunded mandate is difficult to justify at a time when schools are cutting teaching staff and stretching resources to balance budgets.

HR 4247 also prescribes a debriefing session for school personnel and parents within 72 hours of the use of seclusion or restraint, to address documentation of the antecedents to the restraint or seclusion and prevention planning (although it cannot involve the IEP). School staff are already over-committed in their daily schedules. Imposing short, mandatory timelines for extensive meetings will likely result in the cancellation of other instructional commitments or missed timelines and new litigation.

Finally, the tone of HR 4247 is relentlessly negative toward teachers and administrators. This tone indicting all teachers and administrators is unwarranted by plain observation, is unsupported by any credible data and should be eliminated. AASA is certain that every member of the House knows at least one teacher or administrator who has dedicated his or her professional life to the education and development of children and who has never restrained or secluded a single student, even if his or her career spanned over 40 years.

Thank you for your consideration. If there are any questions, please do not hesitate to contact me for further discussion of this important issue.

Yours truly,

DAN DOMENECH,  
Executive Director.

COUNCIL OF THE GREAT CITY

SCHOOLS,

Washington, DC, March 1, 2010.

HOUSE OF REPRESENTATIVES,  
Washington DC.

Subject: HR 4247—Restraint and Seclusion bill.

DEAR REPRESENTATIVE: It is unusual that the Council of the Great City Schools, the coalition of the nation's largest central city school districts, cannot support an education-related bill pending before the House of Representatives, but H.R. 4247, the restraint and seclusion bill, is not supportable in its current form. The bill is overly broad and will override numerous state and local policies that already address this issue and will do so in ways that will be hard to predict.

Every injury to a student in school is a matter of serious concern, but all such incidents are not necessarily matters of federal law. Testimony before the Education and Labor Committee clearly points out that the extent of the use of inappropriate restraints and seclusion in schools could not be specifically determined. The Government Accountability Office (GAO) report provided only ten case studies—three of which involved incidents occurring between ten and fifteen years ago; two involved residential facilities that were not regular public schools; and one involved a school volunteer. The National Disability Rights Network study in January 2009 provided information on multiple incidents, but failed to cite either the year or the decade of the occurrence. In recognition of the limited data on the scope of inappropriate restraints and seclusion, the U.S. Department of Education has undertaken a formal data-collection initiative that may provide more up-to-date information on this issue. The Council suggests that it is premature for Congress to act until the Department's data collection effort is complete. At that time, depending on the results, the Council may revise its position.

Moreover, the requirements in the pending bill present serious concerns for the thousands of school districts and school officials, including school board members, charged with the responsibility of and subject to the potential liability of implementing the federally-crafted definitions and assurances. Section 9 of the bill will subject the nation's schools to an extraordinary outsourcing of investigations, monitoring, and enforcement actions to protection and advocacy attorneys under the Developmental Disabilities Act, in addition to oversight and enforcement by each state educational agency and the U.S. Department of Education—a new authority likely to result in additional disputes and litigation that may involve any student or employee, as well as contractors, service providers, other agencies, and potentially on-site community services and volunteers.

The Council also questions the assignment of policies, procedures, and requirements currently applicable to psychiatric hospitals, mental health programs, and medical facilities onto the nation's elementary, secondary and pre-schools, which are not designed, equipped, or staffed to implement these requirements, and are often excluded from the federal mental health funding or Medicaid reimbursements for related services that could assist in implementation. All current state and local restraint and seclusion laws, policies, guidelines, and procedures will have to be reviewed and aligned with this federal legislation.

In addition, H.R. 4247 mandates, without funding, a major training and certification program in order to comply with the proposed legislation. Again, the nation's schools

will have to train and state-certify an unspecified number of personnel and then periodically re-certify each one. Moreover, this bill requires that each of these individuals from every school receive first aid and CPR training—an entirely new federal requirement for schools and one not directly related to restraints and seclusion. School responsibilities for training and certification extend to school contractors as well.

The Council is unable to adequately project how many school employees and service providers would have to be trained and certified in restraint and seclusion techniques, conflict resolution, first aid, and CPR in schools serving thousands of students. This broad unfunded mandate would be questionable under the best of circumstances, but in the current economic environment, where schools are laying off thousands of teachers and other support staff and seeing class sizes rise, such new federal requirements are also untimely.

Congress could achieve the same basic objective by requiring local school districts and/or state educational agencies to adopt, implement and monitor policies for appropriate and restricted use of restraints and seclusion in disruptive, violent, and emergency circumstances—much like the federal gun-free schools policy or school prayer policy.

Appropriate restraint and seclusion policies, restrictions, and procedures are already in widespread use among the Great City Schools and a large number of states, though few if any as wide-ranging as H.R. 4247. The Council suggests that a bill requiring the limited number of states and/or other school districts without such policies to adopt and implement restraint and seclusion policies would likely garner broader support from school officials. We have offered to assist in developing such legislation that would be more workable. However, we cannot support H.R. 4247 as currently crafted.

Sincerely,

JEFFREY A. SIMERING,  
*Director of Legislative Services.*

NATIONAL CONFERENCE OF STATE  
LEGISLATURES,  
*March 3, 2010.*

Hon. NANCY PELOSI,  
*Speaker of the House,*  
*Washington, DC.*

Hon. JOHN BOEHNER,  
*House Minority Leader,*  
*Washington, DC.*

The National Conference of States Legislatures (NCSL), representing state legislators in the nation's 50 states, commonwealths and territories, is deeply troubled by the federal preemption of state policy in the Preventing Harmful Restraint and Seclusion in Schools Act (HR 4247).

HR 4247 is a well intended effort by the U.S. House of Representatives that ignores the leadership and progress made by states to protect students from harm during seclusion and restraint. Furthermore, the need to establish the federal regulations identified in the legislation is not supported by objective or carefully analyzed research. The U.S. Department of Education is in the process of gathering such information in the coming school year, and we strongly urge the House to allow this process to be completed and to make an informed decision based on sound research to determine whether federal legislation is needed to address this issue.

According to the U.S. Department of Education, 31 states currently have policies in place to oversee the use of seclusion and restraint with another 15 in the process of adopting similar policies and protections. HR 4247 would preempt these efforts in favor of federal guidelines that have little basis in research and would require states to adopt

them within two years irrespective of the varying conditions in the states and without any consideration given to the costs associated with compliance.

State legislators, who have the constitutional responsibility to establish and fund the nation's system of public education, are concerned about another unfunded mandate and continued federal overreach into the daily operations of schools. HR 4247 is the latest example of this approach. The National Conference of State Legislators urges members of the U.S. House of Representatives to vote against HR 4247.

Sincerely,

Representative LARRY M.  
BELL,  
*Chair, Education Com-*  
*mittee, North Caro-*  
*lina General Assem-*  
*bly; Chair, NCSL*  
*Standing Committee*  
*on Education.*

COUNCIL FOR AMERICAN  
PRIVATE EDUCATION,  
*February 17, 2010.*

Re H.R. 4247, Preventing Harmful Restraint  
and Seclusion in Schools Act.

MEMBERS OF THE HOUSE OF REPRESENTATIVES: The Council for American Private Education (CAPE), a coalition of 18 major national organizations (listed left) and 32 state affiliates that serve religious and independent PK-12 schools, writes to express strong concerns regarding H.R. 4247. At the start, we must be clear that as a matter of ethical principle, moral law, and basic human decency, the private school community is unreservedly committed to the safety and well-being of students. Parents willingly entrust the education and care of a child to a religious or independent school because they know the school will act to ensure the child's best interests. Thus, with respect to the bill's intent to protect children from harm, we stand in solidarity with the sponsors. Our disagreement is with specific provisions of the bill, not its overall purpose.

CAPE is deeply concerned about the possible adverse effects the bill could have on the welfare of students. The neighborhood and community schools we represent are likely to experience the reach of this legislation in ordinary and typical encounters: a teacher breaking up a schoolyard dustup, a coach holding back two hot-tempered players, an aide grabbing a child about to dart into the carpool lane at dismissal. Under such circumstances, competent professionals instinctively apply physical restraint in order to protect a child from imminent danger—restraint that meets the definition referenced in the bill (i.e., “a personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely”). Yet the burden of this legislation, with its array of conditions and clauses (see section 5(a)) specifying when and under what circumstances and by whom such ordinary, protective action may lawfully be carried out could effectively serve to inhibit such instinctively shielding behavior by causing the adult to hesitate or second-guess herself out of fear she might be violating federal law. Hesitation in such circumstances could be dangerous.

Our read of this bill is that it was intended to address a narrow set of special-purpose schools and circumstances in which students are restrained or secluded for an extensive period of time in connection with an institution's inappropriate disciplinary practice or policy. But the schools we represent do not fall in that category and would be inadvertently affected by the bill's far-reaching provisions.

Another serious concern we have is that this legislation would impose an unprecedented degree of federal mandates on religious and independent schools.

The class of schools that would be affected by this bill is broad. Based on the definition of “school” found in section 4(11), a religious school with even a single student receiving math or reading instruction under Title I of the Elementary and Secondary Education Act (ESEA) would be subject to all the provisions of this bill, as would a school receiving a single piece of instructional material or professional development for a single teacher under any other ESEA title. The U.S. Department of Education reported in 2007 that a full 80 percent of Catholic schools across the country participate in one or more programs under ESEA.

What requirements would apply to affected schools? First, they would have to have one or more teachers trained and certified under a state-approved training program, as defined in section 4(16). The required number of trained teachers for each school would be determined by the state (see section 5(a)(3)). In the history of education legislation, the federal government has never imposed training or certification requirements on neighborhood religious and independent schools for any reason.

Second, they would have to comply with the annual reporting requirements involving disaggregated demographic data on the number of incidents in which physical restraint was imposed upon a student. (And keep in mind that the bill's cross-referenced definition of “physical restraint” encompasses the ordinary occurrences described above.) Although states are required to file the reports described in section 6(b), schools themselves would have to provide the data, since states are obligated to report on the number of instances “for each local educational agency and each school not under the jurisdiction of a local educational agency.”

Third, and most important, they would have to comply with the school-related provisions of the law that, in our judgment, could have the unintended adverse effects on the health and safety of students described above.

We urge you to oppose this legislation unless it is amended to address these important concerns.

Sincerely,

JOE MCTIGHE,  
*Executive Director.*

AMERICAN ASSOCIATION OF  
CHRISTIAN SCHOOLS,  
*March 2, 2010.*

HOUSE OF REPRESENTATIVES,  
*Washington, DC.*

DEAR REPRESENTATIVE: The American Association of Christian Schools writes to express concern over H.R. 4247, “Preventing Harmful Restraint and Seclusion in Schools Act.” The goal of the bill—to protect children from suffering abuse at the hands of the educators—is a point of strong agreement that we share with the sponsors. Our schools are committed to providing safe environments for their students, and as a national organization, AACCS is supportive of efforts to ensure that children are protected and free from harm.

As the bill has moved through the Education and Labor Committee and to the House Floor, we have appreciated the opportunity for many discussions on how best to protect all students and still maintain protections for private schools against unwarranted federal intrusion. We appreciate the efforts to mitigate the effect of this bill on private education, and we are grateful for the inclusion of language that does specify protection for those private schools which do not receive federal funds.

However, we are concerned that there still may be unintended negative consequences for those private schools whose teachers or students may be benefiting from a federal education program. It seems that the language of the bill opens the door for these schools to become subject to training and reporting requirements of the government. For example, a school which receives instructional materials or professional development services under any ESEA title could be subject to the regulations set forth in this bill. Further, any school who serves a Title I student could also be required to adhere to the reporting and training requirements. While private school regulation may not be the intention of the bill, this could set a dangerous precedent for future federal regulation of private education.

Private schools, including our Christian schools, have enjoyed marked success in providing excellent education for students of all ages and abilities. Their freedom and ability to maintain their autonomy contributes greatly to this success, and the opportunities that thereby are provided for the students. The language of H.R. 4247 seems to set unwarranted intrusion of the federal government into this autonomy.

We believe the intent of the sponsors of this bill was not to establish federal intrusion on private schools; however, we are concerned that this will be an unintended consequence. For this reason, we cannot support the bill. We appreciate your consideration of our concerns.

Sincerely,

KEITH WIEBE,  
*President, American Association  
of Christian Schools.*

COMMITTEE ON CATHOLIC EDUCATION,  
*February 25, 2010.*

Re H.R. 4247, Preventing Harmful Restraint and Seclusion in Schools Act.

DEAR MEMBERS OF THE HOUSE OF REPRESENTATIVES: As Chairman of the Committee on Catholic Education of the United States Conference of Catholic Bishops I wish to acknowledge the efforts of the Members of the House Education and Labor Committee to reduce the use of harmful and dangerous restraint and seclusion in schools. We agree completely with your desire to protect and enhance the safety and well-being of all students enrolled in both public and private schools.

However, we must urge you to vote against H. 4247 in its present form.

We believe it would be unprecedented and intrusive for the Federal government to involve itself in some of the activities that would be required by H.R.4247, such as:

Sec. 3(5)(C)—collecting and analyzing data from private schools;

Sec. 4(11)(A)(II)(ii)—extending the requirements of this legislation to every private school which has even one student or one teacher participating in a program administered by the U.S. Department of Education; and

Sec. 5(a)—requiring school personnel to be certified in crisis intervention, although federal education law has never before imposed certification requirements on private school educators.

It is clear from the language of ESEA and IDEA that it was Congress' intent, and properly so, to avoid federal involvement in the internal administration of private (non-public) schools. By ignoring that principle, H.R. 4247 in its present form crosses a dangerous line, without any demonstrated need to do so. The only private schools cited in the report of the U.S. Government Accountability Office (GAO-09-719T) that apparently led to the drafting of H.R. 4247 were either

residential facilities or schools which served emotionally disturbed teens.

I urge you to alter the scope of this unnecessarily intrusive legislation so that it focuses directly on the dangerous types of situations referenced in the GAO report, rather than imposing intrusive and onerous data collection, coverage, and certification requirements on private schools.

Sincerely,

Most Reverend THOMAS J.  
CURRY,  
*Auxiliary Bishop of  
Los Angeles; Chair-  
man, USCCB Com-  
mittee on Catholic  
Education.*

ASSOCIATION OF CHRISTIAN SCHOOLS  
INTERNATIONAL.

Re H.R. 4247, Preventing Harmful Restraint and Seclusion in Schools Act.

HON. MEMBERS OF THE HOUSE OF REPRESENTATIVES: The Association of Christian Schools International, an active member of the Council for American Private Education (CAPE), writes to express strong concerns regarding H.R. 4247. ACSI must be clear that as a matter of ethical principle, biblical mandates, and basic human decency, the Christian school community is unreservedly committed to the safety and well-being of our students. Parents willingly entrust the education and care of a child to our religious schools because they know the school will act to ensure the child's best interests. Thus, with respect to the bill's intent to protect children from harm, we stand in solidarity with the sponsors. Our disagreement is with specific provisions of the bill, not its overall purpose(s).

ACSI is deeply concerned about the possible adverse effects the bill could have on the welfare of students. The neighborhood and community schools we represent are likely to experience the reach of this legislation in ordinary and typical encounters: a teacher breaking up a schoolyard dustup, a coach holding back two hot-tempered players, an aide grabbing a child about to dart into the carpool lane at dismissal. Under such circumstances, competent professionals instinctively apply physical restraint in order to protect a child from imminent danger—restraint that meets the definition referenced in the bill (i.e., "a personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely"). Yet the burden of this legislation, with its array of conditions and clauses (see section 5(a)) could lead an adult to hesitate or hold back out of fear of violating this federal law. Such hesitation could be dangerous.

We agree with CAPE's read of this bill, that it was intended to address a narrow set of special-purpose schools and circumstances in which students are restrained or secluded for an extensive period of time in connection with an institution's inappropriate disciplinary practice or policy. But the schools we represent do not fall in that category and would be inadvertently affected by the bill's far-reaching provisions. Another serious concern we have is that this legislation would impose an unprecedented degree of federal mandates on religious schools. The class of schools that would be affected by this bill is broad. Based on the definition of "school" found in section 4(11), a religious school with even a single student receiving math or reading instruction under Title I of the Elementary and Secondary Education Act (ESEA) would be subject to all the provisions of this bill, as would a school receiving a single piece of instructional material or professional development for a single teacher

under any other ESEA title. The U.S. Department of Education reported in 2007 that a full 80 percent of Catholic schools across the country participate in one or more programs under ESEA, (aka: "No Child Left Behind").

What requirements would apply to affected schools? First, they would have to have one or more teachers trained and certified under a state-approved training program, as defined in section 4(16). The required number of trained teachers for each school would be determined by the state (see section 5(a)(3)). In the history of education legislation, the federal government has never imposed training or certification requirements on neighborhood religious or independent schools for any reason. Second, they would have to comply with the annual reporting requirements involving disaggregated demographic data on the number of incidents in which physical restraint or seclusion was imposed upon a student. (And keep in mind that the bill's cross-referenced definition of "physical restraint" encompasses the ordinary occurrences described above.) Although states are required to file the reports described in section 6(b), schools themselves would have to provide the data, since states are obligated to report on the number of instances "for each local educational agency and each school not under the jurisdiction of a local educational agency." Third, and most important, they would have to comply with the school-related provisions of the law that, in our judgment, could have the unintended adverse effects on the health and safety of students described above. We urge you to oppose this legislation unless it is amended to address these important and draconian concerns.

Sincerely,

Rev. JOHN C. HOLMES,  
*ACSI Director of Gov-  
ernment Affairs.*

Taken together, the concerns raised by these groups paint a picture of premature legislating and Federal overreach, in essence, attempting to solve a problem we do not fully understand in a way that could actually make it more difficult for teachers to keep their classrooms safe.

I'm especially concerned that H.R. 4247 would extend its new system of mandates into private schools. Historically, independent schools have been free from the Federal mandates attached to Federal education dollars. Private school teachers are entitled to services, but no direct funding, under the Individuals with Disabilities Education Act and other laws. Yet, under H.R. 4247, schools whose students receive services would be subject to the same prescriptive rules on the use of seclusion and restraints, despite the fact that these private schools receive no Federal funding. This is a major departure from longstanding Federal education policy.

The Council for American Private Education explains it this way: "A religious school with even a single student receiving math or reading instruction under title 1 of the Elementary and Secondary Education Act would be subject to all the provisions of this bill, as would a school receiving a single piece of instructional material or professional development for a single teacher under any other ESEA title."

Another likely consequence of H.R. 4247 is increased litigation. The bill's vague and overly broad language is an invitation to trial lawyers who will eagerly take every opportunity to sue school districts who grapple with confusing and stringent new requirements. H.R. 4247 creates a climate of legal dispute by expanding the role of the protection and advocacy system of State-based trial lawyers, a clear recognition that seclusion and restraint are to become litigation magnets. In fact, there's a very real danger that schools will stop addressing safety issues entirely out of fear they could be sued. Instead, schools may resort to law enforcement to manage physically disruptive or threatening students. This will mean fewer students in the classroom and more students in police handcuffs.

Mr. Speaker, it is clear that teachers and school leaders need training and guidance on how to keep classrooms safe. Seclusion and restraint are never the first choice for promoting positive behavior, but if they must be used, they must be used safely. It is just as clear that States, and not the Federal Government, should take the lead on developing and implementing these policies.

H.R. 4247 is a bill with good intentions, but at the end of the day it is simply not the most direct and effective way to keep our classrooms safe.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to a member of the committee, the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. First of all, I want to thank the chairman of the Education and Labor Committee, Mr. MILLER, for his leadership on this legislation.

The hearing which was held at the Education and Labor Committee was one of the most stunning, amazing, eye-opening events, I think, of this Congress. The bipartisanship which came together after that hearing to craft this legislation, again, I think is a testament to your leadership and the bipartisanship that you have created on that committee.

Mr. Speaker, back in 1998, The Hartford Courant won a Pulitzer Prize for a four-part investigation of seclusion and restraint all across the country. The name of the series was "A Nationwide Pattern of Death," which I'd like to offer a copy of for the RECORD, and which, again, in chapter and verse, laid out the shocking, uneven application of this type of force against America's schoolchildren. In Connecticut, it actually resulted in action in terms of legislation which was put into place. Many of the minimum standards which are included in the legislation we're voting on today were incorporated into that measure. But, clearly, as a Nation, we have much more work to be done.

[From the Hartford Courant, Oct. 11, 1998]

#### A NATIONWIDE PATTERN OF DEATH

(By Eric Weiss)

Roshelle Clayborne pleaded for her life. Slammed face-down on the floor, Clayborne's arms were yanked across her chest, her wrists gripped from behind by a mental health aide.

I can't breathe, the 16-year-old gasped.

Her last words were ignored.

A syringe delivered 50 milligrams of Thorazine into her body and, with eight staffers watching, Clayborne became, suddenly, still. Blood trickled from the corner of her mouth as she lost control of her bodily functions. Her limp body was rolled into a blanket and dumped in an 8-by-10-foot room used to seclude dangerous patients at the Laurel Ridge Residential Treatment Center in San Antonio, Texas.

The door clicked behind her.

No one watched her die.

But Roshelle Clayborne is not alone. Across the country, hundreds of patients have died after being restrained in psychiatric and mental retardation facilities, many of them in strikingly similar circumstances, a Courant investigation has found.

Those who died were disproportionately young. They entered our health care system as troubled children. They left in coffins.

All of them died at the hands of those who are supposed to protect, in places intended to give sanctuary.

If Roshelle Clayborne's death last summer was not an isolated incident, neither were the recent deaths of Connecticut's Andrew McClain or Robert Rollins.

A 50-state survey by The Courant, the first of its kind ever conducted, has confirmed 142 deaths during or shortly after restraint or seclusion in the past decade. The survey focused on mental health and mental retardation facilities and group homes nationwide.

But because many of these cases go unreported, the actual number of deaths during or after restraint is many times higher.

Between 50 and 150 such deaths occur every year across the country, according to a statistical estimate commissioned by The Courant and conducted by a research specialist at the Harvard Center for Risk Analysis.

That's one to three deaths every week, 500 to 1,500 in the past decade, the study shows.

"It's going on all around the country," said Dr. Jack Zusman, a psychiatrist and author of a book on restraint policy.

The nationwide trail of death leads from a 6-year-old boy in California to a 45-year-old mother of four in Utah, from a private treatment center in the deserts of Arizona to a public psychiatric hospital in the pastures of Wisconsin.

In some cases, patients died in ways and for reasons that defy common sense: a towel wrapped around the mouth of a 16-year-old boy; a 15-year-old girl wrestled to the ground after she wouldn't give up a family photograph.

Many of the actions would land a parent in jail, yet staffers and facilities were rarely punished.

"I raised my child for 17 years and I never had to restrain her, so I don't know what gave them the right to do it," said Barbara Young, whose daughter Kelly died in the Brisbane Child Treatment Center in New Jersey.

The pattern revealed by The Courant has gone either unobserved or willfully ignored by regulators, by health officials, by the legal system.

The federal government—which closely monitors the size of eggs—does not collect data on how many patients are killed by a procedure that is used every day in psy-

chiatric and mental retardation facilities across the country.

Neither do state regulators, academics or accreditation agencies.

"Right now we don't have those numbers," said Ken August of the California Department of Health Services, "and we don't have a way to get at them."

The regulators don't ask, and the hospitals don't tell.

As more patients with mental disabilities are moved from public institutions into smaller, mostly private facilities, the need for stronger oversight and uniform standards is greater than ever.

"Patients increasingly are not in hospitals but in contract facilities where no one has the vaguest idea of what is going on," said Dr. E. Fuller Torrey, a nationally prominent psychiatrist, author and critic of the mental health care system.

Because nobody is tracking these tragedies, many restraint-related deaths go unreported not only to the government, but sometimes to the families themselves.

"There is always some reticence on reporting problems because of the litigious nature of society," acknowledged Dr. Donald M. Nielsen, a senior vice president of the American Hospital Association. "I think the question is not one of reporting, but making sure there are systems in place to prevent these deaths."

Typically, though, hospitals dismiss restraint-related deaths as unfortunate flukes, not as a systemic issue. After all, they say, these patients are troubled, ill and sometimes violent.

The facility where Roshelle Clayborne died insists her death had nothing to do with the restraint. Officials there say it was a heart condition that killed the 16-year-old on Aug. 18, 1997.

Bexar County Medical Examiner Vincent DiMaio ruled that Clayborne died of natural causes, saying that restraint use was a separate "clinical issue."

But that, too, is typical in restraint cases. Medical examiners rarely connect the circumstances of the restraint to the physical cause of death, making these cases impossible to track through death certificates.

The explanations don't wash with Clayborne's grandmother.

"I'll picture her lying on that floor until the day I die," Charlene Miles said. "Roshelle had her share of problems, but good God, no one deserves to die like that."

With nobody tracking, nobody telling, nobody watching, the same deadly errors are allowed to occur again and again.

Of the 142 restraint-related deaths confirmed by The Courant's investigation:

Twenty-three people died after being restrained in face-down floor holds.

Another 20 died after they were tied up in leather wrist and ankle cuffs or vests, and ignored for hours.

Causes of death could be confirmed in 125 cases. Of those patients, 33 percent died of asphyxia, another 26 percent died of cardiac-related causes.

Ages could be confirmed in 114 cases. More than 26 percent of those were children—nearly twice the proportion they constitute in mental health institutions.

Many of the victims were so mentally or physically impaired they could not fend for themselves. Others had to be restrained after they erupted violently, without warning and for little reason.

Caring for these patients is a difficult and dangerous job, even for the best-trained workers. Staffers can suddenly find themselves the target of a thrown chair, a punch, a bite from an HIV-positive patient.

Yet the great tragedy is that many of the deaths could have been prevented by setting

standards that are neither costly nor difficult: better training in restraint use; constant or frequent monitoring of patients in restraints; the banning of dangerous techniques such as face-down floor holds; CPR training for all direct-care workers.

"When you look at the statistics and realize there's a pattern, you need to start finding out why," said Dr. Rod Munoz, president of the American Psychiatric Association, when told of The Courant's findings. "We have to take action."

Mental health providers, who treat more than 9 million patients a year at an annual cost of more than \$30 billion, judge themselves by the humanity of their care. So the misuse of restraints—and the contributing factors, such as poor training and staffing—offers a disturbing window into the overall quality of the nation's mental health system.

For their part, health care officials say restraints are used less frequently and more compassionately than ever before.

"When it comes to restraints, the public has a picture of medieval things, chains and dungeons," said Dr. Kenneth Marcus, psychiatrist in chief at Connecticut Valley Hospital in Middletown. "But it really isn't. Restraints are used to physically stabilize patients, to prevent them from being assaultive or hurting themselves."

But in case after case reviewed by The Courant, court and medical documents show that restraints are still used far too often and for all the wrong reasons: for discipline, for punishment, for the convenience of staff.

"As a nation we get all up in arms reading about human rights issues on the other side of the world, but there are some basic human rights issues that need attention right here at our back door," said Jean Allen, the adoptive mother of Tristan Sovern, a North Carolina teen who died after aides wrapped a towel and bed sheet around his head.

Others have a simple explanation for the lack of attention paid to deaths in mental health facilities.

"These are the most devalued, disenfranchised people that you can imagine," said Ron Honberg, director of legal affairs for the National Alliance of the Mentally Ill. "They are so out of sight, so out of mind, so devoid of rights, really. Who cares about them anyway?"

Few seemed to care much about Roshelle Clayborne at Laurel Ridge, where she was known as a "hell raiser."

But Clayborne had made one close friendship—with her roommate, Lisa Allen. Allen remembers showing Clayborne how to throw a football during afternoon recess on that summer afternoon in 1997.

"She just couldn't seem to get it right and she was getting more and more frustrated. But I told her it was OK, we'd try again tomorrow," said Allen, who has since rejoined her family in Indiana.

Within three hours, Clayborne was dead.

She had attacked staff members with pencils. And staffers had a routine for hell raisers.

"This is the way we do it with Roshelle," a worker later told state regulators. "Boom, boom, boom: [medications] and restraints and seclusion."

After she was restrained, Roshelle Clayborne lay in her own waste and vomit for five minutes before anyone noticed she hadn't moved. Three staffers tried in vain to find a pulse. Two went looking for a ventilation mask and oxygen bag, emergency equipment they never found.

During all this time, no one started CPR.

"It wouldn't have worked anyway," Vanessa Lewis, the licensed vocational nurse on duty, later declared to state regulators.

By the time a registered nurse arrived and began CPR, it was too late. Clayborne never revived.

In their final report on Clayborne's death, Texas state regulators cited Laurel Ridge for five serious violations and found staff failed to protect her health and safety during the restraint. They recommended Laurel Ridge be closed.

Instead, the state placed Laurel Ridge on a one-year probation in February and the center remains open for business. In a prepared statement, Laurel Ridge said it has complied with the state's concerns—and it pointed out the difficulty in treating someone with Clayborne's background.

"Roshelle Clayborne, a ward of the state, had a very troubled and extensive psychiatric history, which is why Laurel Ridge was chosen to treat her," the statement said. "Roshelle's death was a tragic event and we empathize with the family."

With no criminal prosecution and little regulatory action, the Clayborne family is now suing in civil court. The Austin chapter of the NAACP and the private watchdog group Citizens Human Rights Commission of Texas are asking for a federal civil rights investigation into the death of Clayborne.

Medications and restraint and seclusion.

Clayborne's friend, Lisa Allen, knew the routine well, too.

For six years, Allen, now 18, lived in mental health facilities in Indiana and Texas, where her explosive personality would often boil over and land her in trouble.

By her own estimate, Allen was restrained "thousands" of times and she bears the scars to prove it: a mark on her knee from a rug burn when she was restrained on a carpet; the loss of part of a birthmark on her forehead when she was slammed against a concrete wall.

Exactly two weeks after Roshelle Clayborne's death, Lisa Allen found herself in the same position as her friend.

The same aide had pinned her arms across her chest. Thorazine was pumped into her system. She was deposited in the seclusion room.

"It felt like my lungs were being squished together," Allen said.

But Lisa Allen was one of the lucky ones. She survived.

The fact of the matter is that today, 19 States have no laws or regulations related to the use of seclusion or restraints in school. Seven States place some restrictions on restraint, but do not regulate seclusions. That's within the 31 that was referred to by Mr. KLINE. Seventeen States require that selected staff receive training before being permitted to restrain children. The rest do not. Thirteen States require schools to obtain consent prior to foreseeable or nonemergency physical restraints, while 19 require parents to be notified afterwards. Only two States require annual reporting on the use of restraints. Eight States specifically prohibit the use of prone restraints or restraints that impede a child's ability to breathe.

I would argue, Mr. Speaker, that as a government, as a Nation that provides massive amounts of education dollars across the country, we would never countenance racial discrimination or gender discrimination by any institutions that receive those funds.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman 1 additional minute.

Mr. COURTNEY. I don't think it's too much to say that we should not allow these types of practices which, in some instances, result in, as the chairman said, actual deaths and traumatic lifelong injuries, to be countenanced by the American taxpayer. This measure establishes minimum standards. It establishes transparency. It gives us as a country the opportunity to allow States to take leadership in terms of implementing their own rules and regulations. But it says as a Nation we are not going to tolerate this type of behavior, of which schools themselves are mandated reporters. If it was happening in a child's home, and as a teacher became aware of it, they would be required by law to report it to child protection agencies as a result of Federal law. We can do at least as much for the school environment which children go to every day in this country.

I urge a strong, powerful bipartisan vote in support of this legislation so that we can raise our children to a new level as they go to school every day.

□ 1500

Mr. KLINE of Minnesota. Mr. Speaker, I would like to yield 3 minutes to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise today in strong support of H.R. 4247, the Keeping All Children Safe Act, and I urge my colleagues to support it as well.

When is it appropriate to lock up or tie up a child, or handcuff a child to a desk? Common sense tells us these extreme measures should not ever be used against children with autism or Down syndrome or other learning disabilities. Yet the truth is there are thousands of incidents reported involving the inappropriate use of seclusion and restraint. Reports by the National Disability Rights Network, GAO, and others reveal that our children are at risk for serious injury and even death in the school setting.

The bill we are considering today outlines minimum standards that must be included in guidelines issued by the Department of Education. States then have the flexibility to determine how best to proceed. For the 10 States that already have comprehensive policies, all they need to do is show what they have already done. For the other States, the law will put in motion a review of current practices and a chance to put in place adequate guidelines. I would like to emphasize that these are guidelines. These are standards, like parents should be notified, that seclusion and restraints should only be used as a last resort, that training needs to be given to staff. I believe more often than not staff don't even know how to respond. And I would also like to emphasize that there is no private cause of action. This bill is not opening up all these lawsuits.

When we send our son Cole to school, my husband Brian and I send him with the expectation that he is safe from



danger. We entrust him to teachers, and principals, and aides. And I know that those school personnel have done an outstanding job to keep him safe. But this has not been the case for other children.

Students have been traumatized, injured, and even died in the classroom. Ignorance is not bliss for the children who have been harmed. And many times parents are not even aware of these practices. More than anything, I want teachers and school administrators to have the support for children who become anxious and unruly. If they better understand the situation, they will know that there are more positive choices to teach children rather than using harmful techniques such as restraint and seclusion.

Under the Children's Health Act, current law includes these kind of protections for children in public and private hospitals, medical and residential facilities. And this bill would add those same protections for our children in schools.

There are some that believe this is an unprecedented expansion of Federal authority, but I disagree. The Federal Government is involved in the schools. The Federal Government is the one that mandated that every child should have access to an education, including those with special needs. When we enacted the Individuals with Disabilities Education Act, we committed to ensuring that children with special needs have access to a free, appropriate public education. This bill ensures those children, as well as all students, are safe.

I urge my colleagues to protect our children by supporting the Keeping All Students Safe Act.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 10 seconds.

I thank the gentlewoman from Washington. I don't believe she was in the Chamber at that time, but I want to again thank her, while she is here, for all of her work and all of her effort to bring this bill to the floor. I enjoyed working with her.

At this time I would like to yield 2 minutes to the gentleman from New Jersey (Mr. SIREs).

Mr. SIREs. Mr. Speaker, I rise today in strong support of H.R. 4247, the Keeping All Students Safe Act. I would like to thank Chairman MILLER as well as the members and staff of the Education and Labor Committee for their leadership on this crucial piece of legislation.

Last year, Chairman MILLER requested that the GAO investigate allegations of abuse in schools. The GAO report revealed many cases of abuse and harmful restraint, and most of those cases involved children with disabilities. Additionally, the GAO report found that no Federal agency or other entity collects comprehensive information on these practices that occur in our schools. Without consistent data collection, it is impossible to calculate an accurate number of children, fami-

lies, and schools that have been affected by these harmful practices.

Just one instance of harmful restraint of our children is one too many. Unfortunately, there have been hundreds of allegations, and some children have even died. Unlike federally funded institutions such as hospitals, schools have no Federal laws that address minimum safety standards in schools. Instead, State laws and regulations vary tremendously, which leave our children vulnerable. Indeed, New Jersey is one of the 19 States with no laws or regulations related to seclusion or restraint in schools. It is imperative that we protect our children and provide them with a safe place to grow and develop.

As a former teacher, I know that teachers and other school employees have the best interests of the children at heart. This legislation can address the problems of harmful restraints and ensure the safety of both children and school professionals. This bill will provide grants for professional development training and also give States and local districts the flexibility to determine training needs. Our children deserve to learn in a secure, protected environment, and a Federal solution to this problem is long overdue.

I urge my colleagues to support this legislation.

Mr. KLINE of Minnesota. Mr. Speaker, at this time I am pleased to yield 3 minutes to the gentlewoman from North Carolina (Ms. FOOX).

Ms. FOOX. Mr. Speaker, I thank my colleague for yielding time.

No one wants children to be in danger in this country, especially children who are in public institutions designed to serve them. Teachers, principals, and other school personnel have a responsibility to ensure the environment is maintained at all times. In many cases, it is vitally important, though, that teachers and classroom aides use interventions and supports that are both physically and emotionally safe for the child.

What the bill before us fails to recognize is that 31 States currently have laws and regulations in place that govern the use of seclusion and restraints in schools. An additional 11 have policies and guidelines in place, and in some cases school districts may also have their own guidelines governing the use of such practices in the classroom.

In addition, the Federal Government has no reliable data on the prevalent use of harmful seclusion and restraint techniques in public and private schools and whether they result in child abuse. It is my belief that State and local governments can identify student needs and determine the most appropriate regulations better and more efficiently than the Federal Government.

Our Founding Fathers knew what they were doing when they assembled the U.S. Constitution and the protections it guarantees, specifically the 10th amendment. The authors of this

amendment, ratified in 1971, remembered what it was like to be under the thumb of a distant, all-powerful government and understood that a one-size-fits-all approach just doesn't work.

Since the U.S. Constitution was first ratified, the Federal Government has slowly, steadily, and insidiously eroded the notion of States' rights and our individual liberties. What we need to focus on, as the distinguished ranking member talked about earlier, is the strong punishment of those who do wrong, but not to create costs to the local units of government who must comply with Federal rules and regulations, and in addition giving the Federal Government authority it should not have.

This bill is not needed. The States and the localities can handle these situations. They will look after the children. They are the people closest to the children that they are serving. They will do it. If they don't do it, the community will be up in arms and will require them to do that.

I urge my colleagues to vote "no" on this legislation.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from Illinois (Mr. HARE), a member of the committee.

Mr. HARE. I thank the chair.

Mr. Speaker, I rise today in strong support of H.R. 4247, the Keeping All Students Safe Act, and I am proud to be a cosponsor of this very important piece of legislation.

Mr. Speaker, I want to begin by acknowledging the sponsor of this bill, Chairman MILLER. Because of his commitment to protecting students from abuse, our schools are safe havens once again.

Mr. Speaker, restraint and seclusion in schools is often unregulated and is too frequently used for behaviors that do not pose danger to the children or others. These emergency interventions are also disproportionately used on some of our most vulnerable students, children with disabilities.

Today Fragile X advocates, including my constituent, Holly Roos, are here to lobby Congress to pass H.R. 4247. Holly's son Parker was diagnosed with Fragile X Syndrome, the most common known cause of inherited mental impairment in the world. I met with Holly today, and she is concerned that Parker, her son, was inappropriately restrained at school because he seemed to be exhibiting aggressive behavior after a possible seizure.

Mr. Speaker, Parker is a real life example that speaks to the importance of adopting minimum safety standards for the use of restraint and seclusion in our schools.

Mr. Speaker, I am pleased that this bill also makes an investment in positive behavior supports, an evidence-based approach designed to create a positive school climate that reinforces good behaviors and supports academic achievement. My State of Illinois has effectively reduced the majority of behaviors which resulted in the use of seclusion and restraint by implementing

this preventative approach throughout the school system.

This bill ensures our schools are safer and more effective learning environments. I urge all my colleagues to vote for H.R. 4247.

Mr. KLINE of Minnesota. Mr. Speaker, I am pleased to yield now 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Minnesota for yielding, and I appreciate the stance that he is taking on this bill, H.R. 4247.

First, Mr. Speaker, I would say a couple of words about the 10th amendment and those rights that are reserved for the States or to the people respectively. What are the States doing wrong? How is it that the States, that now 31 of them have some type of controlling legislation, another 15 States are taking a look at this, that adds up to 46 States that could potentially have this resolved each in their own fashion, what is the crisis that requires Uncle Sam to step in and ignore the direct guidance in the 10th amendment of the Constitution itself?

So I am going to stand on the States' rights side. And if I were in one of these States, and if this legislation were to pass, my response would be to the Federal Government, Keep your money. We don't need these strings attached, because it is one thing after another after another after another. And pretty soon it is a national curriculum with Federal mandates and imposing cultural impositions at the school level in every accredited district in the country.

And one of the cases in point will be, if this is about keeping our students safe, if this is about the Keeping All Students Safe Act, which is the title of it, then we ought to take a look at the President's czar. The President has appointed a Safe and Drug-Free Schools czar. His name is Kevin Jennings. I don't know what Kevin Jennings says about this particular bill, but if he is appointed to this task, I would think he would have been the person that testified before the hearings. But I suspect that the President of the United States isn't interested in having Kevin Jennings come before the cameras here in the United States Congress because he has made a totality of his life about promoting homosexuality within the schools, and much of it at the elementary school level.

He has written a foreword in a book called *Queering Elementary Education* in a favorable fashion, which aims to indoctrinate elementary students with homosexuality. Additionally, Kevin Jennings has written several other books. One of them is *Mama's Boy*, *Preacher's Son*, where he describes his own use of illegal and illicit drugs, and written about it in a cavalier fashion. He has not retracted those statements.

If he is going to be about safe and drug-free schools, there should be something he had to offer about safety for kids and drug-free for kids. That could possibly be something that we

could take up in here. But the czar of Safe and Drug-Free Schools has another agenda. It is the promotion of homosexuality within our schools.

Kevin Jennings has spoken in a favorable way about Harry Hay, who was on the cover of NAMBLA magazine, the North American Man/Boy Love Association magazine. Kevin Jennings said of Harry Hay that he is always inspired by Harry Hay. Additionally, some of these things, Mr. Speaker, I am just not going to say into the record. If I did so, I imagine somebody, at least on my side of the aisle, would move to take my words down. Some of it is that revolting. And this is the Safe and Drug-Free Schools czar, who has crossed the line over and over again, made a complete career about advocating for homosexuality in our schools, much of it in our elementary schools. This is the man that the President of the United States has appointed as the Safe and Drug-Free Schools czar.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Connecticut (Mr. HIMES).

Mr. HIMES. Mr. Speaker, I rise in support of H.R. 4247, the Keeping All Students Safe Act. Children with autism, many of whom are nonverbal or have other communications challenges, are especially vulnerable to dangerous interventions at school by staff who can at times be ill-prepared to deal with unique behavioral issues.

I sat recently with a constituent from Greenwich, whose autistic daughter suffered terrible isolation and trauma in her school years, and who herself founded a group of volunteer advocates whose sole mission is to prevent other autistic children from suffering these same abuses.

The GAO study cited by my colleagues included stories which shock the conscience: a 7-year-old who died after being held face down for hours by school staff, and 5-year-olds allegedly being tied to chairs with bungee cords and duct tape by their teacher and suffering broken arms and bloody noses. These could have been your children or mine.

This legislation is an important step toward ending inhumane treatment of children with autism and other disabilities who, like all students, should be able to trust their educators and feel completely safe in their school environments.

There are, of course, rare and extreme emergencies where it may be necessary to physically intervene. But we affirm today, Mr. Speaker, that any behavioral intervention must be consistent with a child's right to be treated with dignity and to be free from abuse.

□ 1515

With the help of this bill, teachers and school personnel will be trained regularly, and parents will be kept informed on the policies which keep our schools orderly and safe and on the al-

ternatives available to traditional forms of restraint and seclusion.

I'm grateful to my friends in the autism advocacy community, including Autism Speaks and the Greenwich-based Friends of Autistic People, for their tireless work on this issue. Children with autism deserve the same rights available to all children, a free and appropriate education, safety and dignity. This bill is a step in the right direction, and I urge my colleagues to support it.

Mr. KLINE of Minnesota. Mr. Speaker, before I yield to the gentleman from Texas, I would like to yield myself a minute.

My friend from Illinois was just here. I'm sorry that he left. He underscored for me one of the many problems with this legislation. It turns out that Illinois is one of those States that actually has a very strong seclusion and restraint law. They passed it in 2001. It went into effect in 2002; and in 2006, there was an incident, one of those reported by the GAO, where a teacher restricted a child inappropriately. The teacher was prosecuted, found guilty, and yet I find it interesting that even today, or the last look that we had at this, she still has a teacher's certificate to be a substitute teacher in Illinois, something which this bill doesn't address either. We need to get these teachers out of the teaching business.

It just makes a point that when you pass a law, it doesn't automatically keep kids safe. You have got to enforce that law. You've got to educate folks, and you've got to have people locally take an active interest.

At this time, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. I thank the gentleman from Minnesota.

Truly, the examples that were given here today of children who have lost their lives, children who have suffered is untenable. There is nobody in this body that I can imagine who would think this is appropriate. Of course it is not. Our hearts go out to the families, all of us who have raised children, had children go through school. I have a great fear of something like that.

But there was also a fear that our Founders had. There was a fear of even coming together for the Constitutional Convention because they were afraid that it would allow for a Constitution that would set in motion a Federal Government that would continue to take away the powers of the people in the local government and the State government. So the only way they were able to come together on this Constitution was to assure the people there that if they would pass the Constitution, they would put together 10 amendments to make sure that the Federal Government would never do the very things we're doing here.

There is no State that would put up with this knowingly. Every State would say, This is ridiculous; of course we don't want children killed in school. But what gets me is during my first 2

years here when we were in the majority in this body, I was one of the few Republicans that said No Child Left Behind is not appropriate. And I was joined by many across the aisle who said the Federal Government shouldn't have a program like No Child Left Behind. You don't know more here in Washington than people know back in the school districts. And I appreciated the support of my colleagues across the aisle. I told that to the White House. That's an area we are going to disagree on because you should not be mandating back to the States and the local governments and the local school boards, because they are competent.

I know that it's not the intent of this bill, but the underlying message is, You people back in your States and local school boards and local governments are a bunch of morons. You can't figure out that sitting on a precious little child and killing them is inappropriate. So the big, smart Federal Government has to come in and let you know that that's not appropriate. We don't need that. We didn't need No Child Left Behind as a mandate rammed down the throats of the State and local government. We don't need this. We need logic and reason, and we need proper schooling; but it doesn't come at the tip of a fist mandate from Washington.

We need to encourage the States to do the right thing. But under the 10th Amendment, the power is not delegated to the United States by the Constitution nor prohibited by it to the States or reserved to the States. We doggone sure ought to respect that.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. I thank the gentleman from California for his leadership on this measure.

Mr. Speaker, I rise today in support of H.R. 4247, the Keeping All Students Safe Act. This bill is aimed at restricting some of the most abusive practices still employed in certain schools around the country: negligent restraint and abusive seclusion.

Last spring, the Education and Labor Committee heard testimony from the Government Accountability Office, which investigated the use of these practices in schools. What the GAO found was stunning. There were many instances of serious injury and abuse and even some accounts of death. Even more troubling to me, as a strong supporter of disability rights in special education, was that many of the victims were students with intellectual disabilities.

This bill is meant to protect our most vulnerable students against the worst kinds of abuse. The committee heard about a 4-year-old girl with cerebral palsy and autism who was restrained in the chair with leather straps for being uncooperative at school. The girl suffered bruises and was later diagnosed with post-traumatic stress disorder.

In another instance, five children, ages 5, 6 and 7, were gagged and duct taped for misbehaving in another school. At a school in my State of New York, a 9-year-old child with a learning disability was put in a time-out room for hours on end for whistling, slouching and hand waving. The child's hands became blistered when he tried repeatedly to escape the room described as smelling of urine. Finally, the committee heard the case of a 14-year-old boy who, because he did not stay seated in class, was restrained by his teacher. The 230-pound teacher put the boy face-down on the floor and lay on top, restricting his breathing and ultimately suffocating him. At the time the committee heard this testimony, the teacher was still teaching in the suburbs of Washington, D.C.

This is the kind of restraint and seclusion we're saying cannot be used. We cannot allow this neglect and abuse of our Nation's children to continue one more day. Please support this bill to keep our students and our schools safe.

Mr. KLINE of Minnesota. Mr. Speaker, can I inquire as to the amount of time remaining on each side?

The SPEAKER pro tempore. The gentleman from Minnesota has 13 minutes left, and the gentleman from California has 12 minutes left.

Mr. GEORGE MILLER of California. If I might just yield to myself to respond to the inquiry. We have Mr. LANGEVIN who is waiting to speak, and I think Mrs. MCCARTHY is on her way.

Mr. KLINE of Minnesota. I will be yielding to Mr. SOUDER momentarily, and then I will close.

Mr. Speaker, at this time I am very pleased to yield 5 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank our distinguished ranking member, Mr. KLINE, and our chairman, Mr. MILLER.

This is one of these bills you kind of go, Well, how could you possibly favor tying kids up and putting tape across them or letting people abuse them? That isn't what this is really about. I am going to make four basic points, which I know we have been making all afternoon, but there is no harm with repetition because they are important.

One, there is no reliable data on how much use there is of these techniques. We've heard all sorts of individual horror stories that my sociology prof used to call "my Aunt Annie stories." We have some real cases of abuse that need to be addressed. We have others of a wide variety. I, for example, would abhor most of them. I don't find being made to stand in a corner quite the same as some others might, but I think there is a wide range. We need to know how many of these are serious, how many of these justify intervention, and how many of them are things where there is a difference of opinion. It also fails to acknowledge in this bill that 31 States have had this, and this is a one-size-fits-all, and that many other States who don't have it are doing it. This is the ultimate arrogance.

We are saying that basically State legislators believe that their kids should be tied up, mouths taped, they should be abused, and they're too ignorant to fix this. Since when do we get to always determine the speed and kind of satisfactory level of intervention that a State does, particularly since we don't have the data to prove our case?

Thirdly, it doesn't exempt private schools. Even though there is no direct funding from the Federal Government, we have to have some kind of a clause or a hook that the Federal Government is going in and taking over this since they would be covered by State law on human rights or student rights cases. Private schools generally don't even get direct funding or indirect funding, although some do. And about half of the private, independent schools would fall under that hook, and the danger, of course, is that it could be broader.

Lastly, the bill fails to clarify or delete language that may open States and school districts up to additional litigation. In other words, adverse behavioral interventions that compromise health and safety is undefined and would have to be litigated.

But I want to come back to a basic thing. Number one is, What is the constitutional justification? We have this debate in education a lot that things are reserved to the States that aren't given to the Federal Government. Now we're going to a second degree in the education. Now maybe this comes under the clause that says, If States don't move as fast as we would like them to, then we can intervene and take over their jurisdiction. Maybe it comes under the clause that as we get emotionally upset about something, and we're emotionally moved about a case we saw on TV, therefore the Federal Government and Congress have a right to take it over.

It is truly tragic in thinking that we're the only ones to address this. We had a clause, after the Republicans had first taken over Congress, that we were trying to put in and had in, briefly, that says, Put the constitutional justification of why this is uniquely the problem of the Federal Government and how the Constitution, in effect, justifies that intervention. And generally speaking, what we saw was, Promote the general welfare. Promote the general welfare. Promote the general welfare. Promote the general welfare.

Now, Thomas Jefferson said that this clause, in a letter which I believe was to Madison, was the most pernicious, I believe was the word he used, clause in the Constitution and it would be abused by future generations to justify Federal intervention wherever they felt they wanted to intervene and that ultimately, unless that "promote the general welfare" was restrained by Congress itself and by the courts, that Congress would intervene on a regular basis, and ultimately everything that is reserved for the States would be at the Federal level.

I believe there are times, such as in civil rights cases, where there were

clear, systemic, systematic, multigenerational interventions that we needed to get in; that many times those who were more States' rights-oriented defended their positions based on States' rights.

But what we're looking at today is insufficient data. We're looking at the States actually addressing it. Thirty-one States have addressed it. A number of others—the bulk of the rest of them actually have laws up at this time. And I see no reason, no compelling evidence of why we need to do this as opposed to the State legislators. I see no compelling constitutional justification for it. And I believe that Thomas Jefferson, were he here, would call this a pernicious use of promoting the general welfare even though the end-all in the hearts of the people who are doing this are motivated for the right reasons. They care about the safety of the kids. They're worried about whether kids are going to be harmed in the schools, and we all are, and so, quite frankly, are State representatives and State senators.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 4247, the Keeping All Students Safe Act. As a cosponsor, I am certainly pleased that for the first time this bipartisan legislation will protect all children in schools from harmful uses of restraint and seclusion.

The need for this legislation was highlighted by a recent GAO report that found hundreds of cases of schoolchildren being abused as a result of inappropriate uses of restraint and seclusion, often involving untrained staff. One of these cases included a locked isolation room in a school basement at a school in Rhode Island, my home State. This room was used to restrict a student who was deemed overly aggressive and another who showed undesirable behavior.

Well, this bill will provide the proper guidance to ensure that our schools and educators are treating children appropriately. I have been a strong advocate in Congress to educate colleagues on the value that individuals with developmental disabilities can bring to society with the right system of support. The bill that's before us today represents an important step in ensuring that these children are treated fairly and given the opportunities they deserve to succeed in school. I look forward to continuing working together on our work to make sure that our children with developmental disabilities receive the care that they need to reach their full potential.

□ 1530

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself the balance of my time to close.

I wanted to touch on a couple of things that we have talked about in the course of this debate that I find to be interesting. We have heard an appeal from one of the Members here on the floor, I think it was the gentleman from Illinois, who said he was applauding this evidence-based approach. And yet we have heard other Members say we have insufficient data. I must admit that I fall in the latter category. We really don't know the extent of the situation.

We have heard the numbers quoted. California, for example, is quoted as having 14,000 incidents. We really don't know what is in those 14,000. These include emergency interventions. So we don't know if that's the case of a teacher breaking up a fight or stopping an argument. It is certainly not 14,000 cases of taping children to their chairs, and I don't think anybody in this body believes that is the case.

But the point is we don't know. We don't know, and yet we are using numbers as though they were gospel.

Look, on this issue let's start with what we agree on. We agree students and teachers should be safe at school. We agree children with disabilities are especially vulnerable because they may struggle with behavioral and communication problems that are difficult for teachers to control. As a result, children with disabilities have been more likely to be restrained or placed in seclusion when, in many cases, positive behavioral interventions could be much more successful and pose a lower risk to students.

We also agree that teachers must be able to protect students with serious behavioral problems from injuring themselves or their classmates or their teachers.

The only real disagreement, outside some dispute over the data and the evidence and the GAO report, and I find the GAO report particularly interesting because it cited 10 incidents of really egregious behavior in seclusion and restraint. Of course, one of those incidents was 18 years ago, two were 12 years ago, and the most recent was 4 years ago. It just seems to me, when we are going to enact this kind of legislation, this sort of Federal overreach, in my judgment, we ought to have better data.

So our only real disagreement is who should address the use of seclusion and restraint in schools. I believe States and local school districts have an obligation to keep their classrooms safe. I have seen real progress from the 46 States that have or will soon have their own policies to train teachers on how to handle difficult behavior and to ensure seclusion or restraints are only used to protect children from harming themselves or others.

I believe the Federal Government has historically limited its reach into private schools, and it would be a mistake to start applying new Federal mandates to independent schools that do not receive taxpayer funding. I also be-

lieve that we do not protect schools by empowering trial lawyers.

For all of these reasons, I continue to oppose H.R. 4247. Through hearings and public outreach, Members of Congress have successfully spurred a national dialogue about the dangers of these strategies for controlling student behavior. That dialogue is a positive step, as is the action it has prompted at the State and local level. Let's not discard the work of these States and districts.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the argument against this legislation is that somehow 31 States have taken care of this problem and that we all share the concern. The facts are that 31 States have not taken care of this problem. As we pointed out, in a number of States, it only goes to one particular population in that school, in that setting, or to an age bracket, or to just reporting, what have you. These are not laws that are designed to protect these children in this situation.

Illinois has been cited. Illinois is very close to what you would like to see have happen, and they have spent a lot of effort trying to do that.

But in my own State, we talk about the 14,000. When you ask the person responsible for this, they say, We don't use the data. So is that sufficient for Members of Congress? California has "addressed the problem"? Yes, they collect data that they refuse to characterize or do anything else with.

Paige could have been in that data. She could have been one of those 14,000.

So I think we have to understand. I appreciate there is a difference here about the approach. But as Mr. COURTNEY pointed out, in 1998 we had a national discussion, an expose of many of the same behaviors that are going on today, it is 12 years later, and children are still being abused, dramatically abused. Restraint and seclusion is being dramatically misused. It is being used by people who don't know what to do in that situation. They have not been trained.

I find it interesting that the school boards who have to live with this problem on an everyday basis support this legislation. The classroom teachers who have to live with this on an everyday basis support this legislation. People who are on the front lines want this legislation passed because it will bring them greater understanding, greater knowledge, greater skill, and greater training to deal in these situations. An understanding, yes, there are situations where, in an emergency case, where there is a danger to the individual student or to others, that this may be proper. But it also takes training to understand that and how you use it.

I refuse to believe that was the 14,000 incidents in California, that each one of those was an emergency, dangerous

situation. They may say it is an emergency, but in California they don't describe what an emergency is. So compliance with current law all across this country is not a big deal. It is not doing much for the families of these children. It is not doing much to protect these children.

That is why we move. We move with some minimum standards about taping children, mechanical restraints of children, about secluding very young children in darkness for hours at a time, maybe repeatedly for days on end. You should not be able to do that.

We have other investigations in the committee where the simple withdrawal of water has killed children because of dehydration. So we ought not to withdraw water here. We ought to not withdraw food as a means of punishment. We ought not deny them the use of the bathroom facilities. We ought not have them in a situation where they are soiling themselves in front of their classmates, where they are humiliated, where circles are drawn around their chair and they sit in the classroom tied down by duct tape, while they are humiliated and pointed at by the teacher. These are 4- and 5- and 6-year-old kids. None of us would stand for this with our children or our grandchildren, not for a minute. But many of these parents are never notified that this is happening to their children. Many of the grandparents are never notified that this is happening to a child that they were caring for. Many of the foster parents are never notified that their children are in danger, in peril. Think about it. Just put the vision of your child, your grandchild, your next-door neighbor child in this picture.

And you want to say, We have addressed it; the States have addressed it; there is no role for the Federal Government. Well, who the hell is going to step in and protect these children? They can't do it themselves.

This may not be perfect, but we ought to take this step to put us on record that we are prepared to do something to end this practice, this abuse, this torture, of very young children, in many instances children with disabilities, children who are unable to communicate in an effective fashion. Just think about that. Think about your family. You don't have to take this to the abstract. These children cannot defend themselves against this practice, and their parents can't speak for them if they don't know. These children can't control themselves if they are denied the use of a bathroom facility.

That is what this legislation is about. It is about whether or not we are going to take this step, whether or not this step is important, and I do not believe that you can nullify this by suggesting that somehow because 31 States have done something, that this problem need not be addressed, need not have our attention. We cannot do this to these children and these families.

I urge my colleagues to vote for this legislation.

Mrs. MCCARTHY of New York. Mr. Speaker, first, I want to applaud Chairman MILLER on this important, bipartisan bill.

As we know, the use of seclusion and restraint has resulted in harm to schoolchildren, and also death in some cases.

This is wrong, and I am glad we are taking this important step to change it.

I am proud to have been one of the first cosponsors of the bill.

I also want to thank the Committee for working with me to include a technical change important to New York.

The definition of Chemical Restraint would have required that only a "licensed physician" be allowed to administer any medication prescribed by the physician for the standard treatment of a student's medical condition.

However, in New York and other states, we allow health professionals other than physicians, such as nurse practitioners, to prescribe drugs.

I am glad we have been able to correct the bill to allow states this flexibility.

While I am happy the House is moving ahead on this important bill, I want to say a word about the issue of corporal punishment—that is hitting of children in schools. Each year in the United States, hundreds of thousands of schoolchildren in twenty states are hit in public schools according to the Department of Education.

However, thirty, including my state of New York, states have appropriately banned this practice.

Often this is called "paddling" and the student is struck with a wooden paddle, which can result in bruises, other medical complications that may require hospitalization.

Just as with seclusion and restraint, paddling can cause immediate pain, lasting physical injury, and on-going mental distress.

Gross racial disparity exists in the hitting of public school children.

Further, public school children with disabilities are hit at approximately twice the rate of the general student population in some States.

Corporal punishment is associated with increased aggression in the punished child, physical and emotional harms, and higher rates of drop out, suspension, and vandalism of school property.

The federal government has outlawed physical punishment in prisons, jails and medical facilities.

Yet our children sitting in a classroom are targets for hitting.

We know safe, effective, evidence-based strategies are available to support children who display challenging behaviors in school settings.

Hitting children humiliates them.

Hitting children makes them feel helpless.

Hitting children makes them feel depressed.

Hitting children makes children angry.

Hitting children teaches them that it is a legitimate way to handle conflict.

We are adults.

We shouldn't be hitting kids in schools.

One of my other concerns is that by placing restrictions only on seclusion and restraint and allowing hitting to continue, we may be encouraging hitting.

Instead, we, as a nation, should move toward these alternative strategies when it comes to our schoolchildren.

I plan to introduce legislation in the next few weeks to ban the use of corporal punishment in schools and look forward to hearings in the Committee on this topic.

In the meantime, I urge all my colleagues to support this bill.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of H.R. 4247, the Keeping All Students Safe Act. At the outset, let me thank Chairman MILLER, Congresswoman MCCARTHY, Congresswoman MCMORRIS RODGERS, and Congressman PLATTS for their leadership on this bill.

Last year, the Committee on Education and Labor held a hearing that examined the disturbing and shocking use of restraint and seclusion in schools. The hearing made clear that federal and state officials have little information about the frequency, nature, or effectiveness of these potentially-deadly practices in educational settings. Witnesses expressed concerns that certain groups of children and youth—especially those in special education—may be at heightened risk to experience these interventions. The hearing further presented numerous studies, including one by the Government Accountability Office, documenting the need to restrict these practice to emergencies, provide staff training, and report data about which students experience these practices.

Given that minority students are disproportionately referred to special education and given that minority students are disproportionately suspended and expelled, a number of my colleagues within the Congressional Black Caucus and I have serious concerns that minority children disproportionately experience these harmful and sometimes deadly restraint and seclusion practices. Given our concerns, we asked Chairman MILLER to lead a federal effort to document these practices and limit abuses. This bill provides such leadership. Passage of this important legislation will help regulate the use of seclusion and restraint, further document its use, and eventually eliminate the use of abusive restraint and seclusion through appropriate training.

H.R. 4247 provides basic protections for students within schools while still giving states and local districts the flexibility to tailor policies and procedures to meet their needs. This bill provides a balanced approach. It recognizes that there are times when danger is imminent and when restraint may be necessary. It also recognizes that seclusion and restraint are not educational services or therapeutic treatments and, consequently, should be administered by trained personnel and should be monitored.

The Keeping All Students Safe Act is bipartisan legislation that provides overdue federal leadership to document and regulate these techniques and to eliminate abusive tactics.

Mr. TERRY. Mr. Speaker, I rise today to oppose H.R. 4247, the "Keeping All Students Safe Act."

I have spoken with officials from the Nebraska Department of Education and superintendents in my District and the overwhelming conclusion that I reached was that my local school districts are doing a good job of dealing with student discipline. The guidelines and procedures that are now in place are intended to keep every student safe in the school environment.

Like many states, Nebraska makes any form of corporal punishment illegal and teachers or staff can be disciplined for unprofessional behavior or even be terminated for

any verbal or physical abuse of a student. Based on the information provided by my school officials, there has not been any significant problems with the treatment of students in my district. Therefore, I really do not see the need for this legislation. It will become just one more federal intrusion into our local education systems.

Mr. CONYERS. Mr. Speaker, today I rise to commend Chairman MILLER and Congresswoman MCMORRIS RODGERS for their work and dedication on this issue. We all want our children to have the highest quality education and educational experience available. That cannot happen in an environment where students, paraprofessionals, teachers and administrators are not safe.

This bill establishes standards that will ensure that those in classroom settings are safe and will prevent and reduce inappropriate restraint and seclusion by establishing minimum safety standards in schools, similar to protections already in place in hospitals and non-medical community-based facilities. By establishing minimum standards for situations that require the seclusion of students, this bill offers support to the nineteen states that have no standards set for such situations.

Special education students are at a higher risk of being harmfully restrained. Because minority children are disproportionately placed in special education, this bill will offer them protection against harmful actions such as being denied food in order to punish or preempt behaviors. By setting minimum standards that apply to the whole student body, H.R. 4247 protects students without singling out anyone or placing a stigma on a child or a group of children.

I am sensitive to the concerns of those who worry that they may lose the ability to implement certain behavioral interventions. I wish to continue this discussion with an eye toward further improvements in safety. This bill's parent notification provision is a positive step towards a continual dialogue between educational stakeholders that we in Congress can participate in. To those who have expressed concern over this bill, I want you to know that this bill is part of the on going conversation about students' safety in school and does not signal the end of our efforts to protect students.

The SPEAKER pro tempore. All time for debate on the bill, as amended, has expired.

AMENDMENT OFFERED BY MR. GEORGE MILLER  
OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in part A of House Report 111-425 offered by Mr. GEORGE MILLER of California:

Page 3, beginning on line 4, strike "Preventing Harmful Restraint and Seclusion in Schools Act" and insert "Keeping All Students Safe Act".

Page 7, line 3, insert ", or other qualified health professional acting under the scope of the professional's authority under State law," after "physician".

Page 7, line 7, insert "or other qualified health professional acting under the scope of the professional's authority under State law" after "physician".

Page 9, line 13, insert "local educational agency," before "educational service agency".

Page 10, line 22, insert "training in" before "evidence-based".

Page 11, line 1, insert "training in" before "evidence-based".

Page 11, line 9, insert "training in" before "first aid".

Page 14, line 15, strike "and local educational agencies" and insert ", in consultation with local educational agencies and private school officials,".

The SPEAKER pro tempore. Pursuant to House Resolution 1126, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 2 minutes.

The manager's amendment makes minor technical corrections and clarifications. It renames the bill Keeping All Students Safe Act. The amendment adds clarifying language to the definition of "chemical restraint" to exclude medications prescribed and administered by qualified health professionals acting under State law. It fixes the definition of "school" to include all schools and programs under the jurisdiction of the local educational agency. It clarifies language describing "State-approved crisis intervention training program," and the amendment requires States to consult with private school officials on determining that a sufficient number of personnel are trained to meet the needs of the student population.

I reserve the balance of my time.

Mr. KLINE of Minnesota. Mr. Speaker, I rise to claim the time in opposition, although I will not oppose the amendment.

The SPEAKER pro tempore. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE of Minnesota. I yield myself such time as I may consume.

I agree with the chairman. This is a technical amendment. It changes the short title of the bill and some other technical and clarifying changes to the bill. While I still cannot support the underlying bill, we have no objection to this. I will vote for it and encourage my colleagues to vote for it.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in part B of House Report 111-425 offered by Mr. FLAKE:

Add at the end the following:

# **"SEC. 13. PRESUMPTION OF CONGRESS RELATING TO COMPETITIVE PROCEDURES.**

"(a) PRESUMPTION.—It is the presumption of Congress that grants awarded under this Act will be awarded using competitive procedures based on merit.

"(b) REPORT TO CONGRESS.—If grants are awarded under this Act using procedures other than competitive procedures, the Secretary shall submit to Congress a report explaining why competitive procedures were not used.

## **"SEC. 14. PROHIBITION ON EARMARKS.**

"None of the funds appropriated to carry out this Act may be used for a congressional earmark as defined in clause 9e, of Rule XXI of the rules of the House of Representatives of the 111th Congress."

The SPEAKER pro tempore. Pursuant to House Resolution 1126, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

This amendment is noncontroversial in nature. Section 7 of the bill would create a new discretionary grant program to assist State education agencies in meeting the regulations established in the bill, collecting and analyzing data, and implementing the schoolwide positive behavior support approach. This grant program is to be funded out of the authorization provided in the bill for such sums as necessary.

While State agencies will have to apply for these grants, it is unclear if the grants will be awarded on a competitive basis or a merit-based approach.

We have seen in the past, unfortunately, when these grant programs have been established, even if it is stipulated that they should be competitive or merit based, oftentimes later Members of Congress will come in and earmark funds directly, and some of these accounts we have for competitive grant programs, merit-based grant programs are completely earmarked just a few years later, so organizations and individuals, nonprofit agencies or State agencies can't even compete for them because all of that money has been earmarked.

We need to look no further than FEMA's National Pre-Disaster Mitigation Program. It was a competitive grant program designed to "save lives and reduce property damage by providing for hazard mitigation planning, acquisition, and relocation of structures out of the floodplain." Again, this was going to be a competitive grant program. The fiscal 2010 Homeland Security appropriation bill appropriated \$100 million for this program. Almost \$25 million of that was earmarked for projects in Members' home districts, leaving fewer funds available for localities that wished to legitimately apply for the funding.

A grant program to establish the Emergency Operation Center established by Congress in the fiscal 2008 Homeland appropriation spending bill,



60 percent of the funds in that grant program were earmarked.

Again, these are grant programs that are typically set up to be competitively bid on for the agencies to assess on a merit-based basis, and yet they are earmarked.

So this amendment would simply say none of the funds available or authorized by this legislation would be available to be earmarked.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise to claim the time in opposition to the gentleman's amendment, although I do not oppose the amendment.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I support this amendment. Obviously, I am a very strong believer in this legislation and the terrible situation that we are trying to rectify, and I would hope and I think with the gentleman's language we can hopefully be assured that these grants would be based upon a healthy competition and would be based upon the request of the States for technical assistance and for other assistance in dealing with this legislation. So I support the amendment by the gentleman from Arizona.

I yield back the balance of my time.

□ 1545

Mr. FLAKE. I thank the gentleman for supporting the amendment. I think it is important that we do this on this legislation and all programs like this that are authorized by the Congress.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 24, not voting 16, as follows:

[Roll No. 81]

YEAS—391

Ackerman	Berkley	Boucher
Aderholt	Berman	Boustany
Adler (NJ)	Berry	Boyd
Akin	Biggert	Brady (PA)
Alexander	Bilbray	Brady (TX)
Altmire	Bilirakis	Braley (IA)
Andrews	Bishop (GA)	Bright
Arcuri	Bishop (NY)	Brown (GA)
Austria	Bishop (UT)	Brown (SC)
Baca	Blackburn	Brown-Waite,
Bachmann	Blumenauer	Ginny
Bachus	Blunt	Buchanan
Baird	Bocchieri	Burgess
Baldwin	Boehner	Burton (IN)
Barrow	Bonner	Butterfield
Bartlett	Bono Mack	Buyer
Barton (TX)	Boozman	Calvert
Bean	Boren	Camp
Becerra	Boswell	Cantor

Cao	Hill	Mollohan
Capito	Himes	Moore (KS)
Capps	Hinchey	Moran (KS)
Capuano	Hirono	Moran (VA)
Cardoza	Hodes	Murphy (CT)
Carnahan	Holden	Murphy (NY)
Carney	Holt	Murphy, Patrick
Carson (IN)	Honda	Murphy, Tim
Carter	Hoyer	Myrick
Cassidy	Hunter	Nadler (NY)
Castle	Inglis	Napolitano
Castor (FL)	Inslee	Neal (MA)
Chaffetz	Israel	Neugebauer
Chandler	Issa	Nunes
Childers	Jackson (IL)	Nye
Chu	Jenkins	Obey
Clay	Johnson (GA)	Olson
Coble	Johnson (IL)	Olver
Coffman (CO)	Johnson, Sam	Ortiz
Cole	Jones	Owens
Conaway	Jordan (OH)	Pallone
Connolly (VA)	Kagen	Pascarell
Cooper	Kanjorski	Pastor (AZ)
Costa	Kaptur	Paulsen
Costello	Kennedy	Payne
Courtney	Kildee	Pence
Crenshaw	Kilroy	Perlmutter
Crowley	Kind	Perriello
Cuellar	King (IA)	Peters
Culberson	King (NY)	Peterson
Cummings	Kingston	Petri
Davis (CA)	Kirk	Pingree (ME)
Davis (KY)	Kirkpatrick (AZ)	Pitts
Davis (TN)	Kissell	Platts
DeFazio	Klein (FL)	Poe (TX)
DeGette	Kline (MN)	Polis (CO)
DeLauro	Kosmas	Pomeroy
Dent	Kratovil	Posey
Diaz-Balart, L.	Lamborn	Price (GA)
Diaz-Balart, M.	Lance	Price (NC)
Dicks	Langevin	Putnam
Dingell	Larsen (WA)	Quigley
Doggett	Larson (CT)	Rahall
Donnelly (IN)	Latham	Rangel
Doyle	LaTourette	Rehberg
Dreier	Latta	Reichert
DrieHaus	Lee (NY)	Reyes
Duncan	Levin	Richardson
Edwards (TX)	Lewis (CA)	Rodriguez
Ehlers	Linder	Roe (TN)
Ellison	Lipinski	Rogers (AL)
Ellsworth	LoBiondo	Rogers (KY)
Emerson	Loebbeck	Rogers (MI)
Engel	Lofgren, Zoe	Rohrabacher
Eshoo	Lowe	Rooney
Etheridge	Lucas	Ros-Lehtinen
Farr	Luetkemeyer	Roskam
Fattah	Lujan	Ross
Filner	Lummis	Rothman (NJ)
Flake	Lungren, Daniel	Roybal-Allard
Fleming	E.	Royce
Forbes	Lynch	Ruppersberger
Fortenberry	Mack	Ryan (OH)
Foster	Maffei	Ryan (WI)
Fox	Maloney	Salazar
Frank (MA)	Manzullo	Sanchez, Linda
Franks (AZ)	Marchant	T.
Frelinghuysen	Markley (CO)	Sanchez, Loretta
Gallely	Markley (MA)	Sarbanes
Garrett (NJ)	Marshall	Scalise
Gerlach	Matheson	Schakowsky
Giffords	Matsui	Schauer
Gingrey (GA)	McCarthy (CA)	Schiff
Gohmert	McCarthy (NY)	Schmidt
Gonzalez	McCaul	Schock
Goodlatte	McClintock	Schrader
Gordon (TN)	McCollum	Schwartz
Granger	McCotter	Scott (VA)
Graves	McDermott	Sensenbrenner
Grayson	McGovern	Serrano
Green, Al	McHenry	Sessions
Green, Gene	McIntyre	Sestak
Griffith	McKeon	Shadegg
Guthrie	McMahon	Shea-Porter
Gutierrez	McMorris	Sherman
Hall (NY)	Rodgers	Shimkus
Hall (TX)	McNerney	Shuler
Halvorson	Meek (FL)	Shuster
Hare	Meeks (NY)	Simpson
Harman	Melancon	Sires
Harper	Mica	Skelton
Hastings (WA)	Michaud	Slaughter
Heinrich	Miller (FL)	Smith (NE)
Heller	Miller (MI)	Smith (NJ)
Hensarling	Miller (NC)	Smith (TX)
Herger	Miller, Gary	Smith (WA)
Herseeth Sandlin	Miller, George	Snyder
Higgins	Minnick	Souder
	Mitchell	Space

Speier	Tiahrt	Waxman
Spratt	Tiberi	Weiner
Stark	Tierney	Welch
Stearns	Titus	Westmoreland
Stupak	Tonko	Whitfield
Sutton	Towns	Wilson (OH)
Tanner	Tsongas	Wilson (SC)
Taylor	Upton	Wittman
Teague	Van Hollen	Wolf
Terry	Velázquez	Wu
Thompson (CA)	Visclosky	Yarmuth
Thompson (MS)	Walden	Young (AK)
Thompson (PA)	Walz	Young (FL)
Thornberry	Watson	

NAYS—24

Brown, Corrine	Fudge	Moore (WI)
Clarke	Grijalva	Oberstar
Cleaver	Hastings (FL)	Paul
Clyburn	Johnson, E. B.	Rush
Cohen	Kilpatrick (MI)	Scott (GA)
Conyers	Kucinich	Waters
Davis (IL)	Lee (CA)	Watt
Edwards (MD)	Lewis (GA)	Woolsey

NOT VOTING—16

Barrett (SC)	Garamendi	Radanovich
Campbell	Hinojosa	Sullivan
Dahlkemper	Hoekstra	Turner
Davis (AL)	Jackson Lee	Wamp
Deal (GA)	(TX)	Wasserman
Fallin	Massa	Schultz

□ 1615

Messrs. KUCINICH and DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Messrs. WATT and SCOTT of Georgia, Ms. FUDGE, Ms. CLARKE, Ms. KILPATRICK of Michigan, Ms. EDWARDS of Maryland, Ms. LEE of California, Ms. CORRINE BROWN of Florida, Ms. WOOLSEY, and Messrs. COHEN, LEWIS of Georgia, and HASTINGS of Florida changed their vote from “yea” to “nay.”

Mr. SHERMAN changed his vote from “nay” to “yea.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Pursuant to House Resolution 1126, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 4247 will be followed by a 5-minute vote on the motion to suspend the rules and agree to House Resolution 1127.

The vote was taken by electronic device, and there were—yeas 262, nays 153, not voting 16, as follows:

[Roll No. 82]

YEAS—262

Ackerman	Baird	Berman
Adler (NJ)	Baldwin	Berry
Altmire	Barrow	Biggert
Andrews	Bean	Bishop (GA)
Arcuri	Becerra	Bishop (NY)
Baca	Berkley	Blumenauer

Boccieri	Herseth Sandlin	Oliver	Flake	Lucas	Roe (TN)	Baird	Duncan	Larson (CT)
Boren	Higgins	Ortiz	Fleming	Luetkemeyer	Rogers (AL)	Baldwin	Edwards (MD)	Latham
Boswell	Hill	Owens	Forbes	Lummis	Rogers (KY)	Barrow	Edwards (TX)	LaTourette
Boucher	Himes	Pallone	Fortenberry	Lungren, Daniel	Rogers (MI)	Bartlett	Ehlers	Latta
Boyd	Hinchey	Pascarell	Fox	E.	Rohrabacher	Barton (TX)	Ellison	Lee (CA)
Brady (PA)	Hirono	Pastor (AZ)	Franks (AZ)	Mack	Rooney	Bean	Ellsworth	Lee (NY)
Braley (IA)	Hodes	Payne	Gallegly	Manzullo	Roskam	Becerra	Emerson	Levin
Bright	Holden	Perriello	Garrett (NJ)	Marchant	Royce	Berkley	Engel	Lewis (CA)
Brown, Corrine	Holt	Peters	Gingrey (GA)	Markey (CO)	Ryan (WI)	Berman	Eshoo	Lewis (GA)
Butterfield	Honda	Peterson	Gohmert	Marshall	Scalise	Berry	Etheridge	Linder
Cao	Hoyer	Pingree (ME)	Goodlatte	McCarthy (CA)	Schmidt	Biggert	Farr	Lipinski
Capps	Inslee	Platts	Granger	McCauley	Schrader	Bilbray	Fattah	LoBiondo
Capuano	Israel	Polis (CO)	Graves	McClintock	Sensenbrenner	Bilirakis	Filner	Loeb
Cardoza	Jackson (IL)	Pomeroy	Griffith	McCotter	Sessions	Bishop (GA)	Flake	Loftgren, Zoe
Carnahan	Johnson (GA)	Price (NC)	Guthrie	McHenry	Shadegg	Bishop (NY)	Fleming	Lowe
Carney	Johnson (IL)	Quigley	Hall (TX)	McKeon	Shimkus	Bishop (UT)	Forbes	Lucas
Carson (IN)	Johnson, E. B.	Rahall	Hastings (WA)	Mica	Shuster	Blackburn	Fortenberry	Luetkemeyer
Castle	Kagen	Rangel	Heller	Miller (FL)	Simpson	Blumenauer	Foster	Lujan
Castor (FL)	Kanjorski	Reichert	Hensarling	Miller (MI)	Smith (TX)	Blunt	Fox	Lummis
Chandler	Kaptur	Reyes	Herger	Miller, Gary	Smith (NE)	Boccieri	Frank (MA)	Lungren, Daniel
Childers	Kennedy	Richardson	Hunter	Mitchell	Tiberi	Boehner	Franks (AZ)	E.
Chu	Kildee	Rodriguez	Ingles	Moran (KS)	Souder	Bonner	Frelinghuysen	Lynch
Clarke	Kilpatrick (MI)	Ros-Lehtinen	Issa	Myrick	Stearns	Bono Mack	Fudge	Mack
Clay	Kilroy	Ross	Jenkins	Neugebauer	Taylor	Boozman	Gallegly	Maffei
Cleaver	Kind	Rothman (NJ)	Johnson, Sam	Nunes	Terry	Boren	Garrett (NJ)	Maloney
Clyburn	King (NY)	Roybal-Allard	Jones	Olson	Thompson (PA)	Boswell	Gerlach	Manzullo
Cohen	Kirk	Ruppersberger	Jordan (OH)	Paul	Thornberry	Boucher	Giffords	Marchant
Connolly (VA)	Kissell	Rush	King (IA)	Paulsen	Tiahrt	Boustany	Gingrey (GA)	Markey (CO)
Conyers	Klein (FL)	Ryan (OH)	Kingston	Pence	Tiberi	Boyd	Gohmert	Marshall
Cooper	Kosmas	Salazar	Kirkpatrick (AZ)	Perlmutter	Upton	Brady (PA)	Gonzalez	Matheson
Costa	Kratovil	Sánchez, Linda	Kline (MN)	Petri	Walden	Brady (TX)	Goodlatte	Matsui
Costello	Kucinich	T.	Lamborn	Pitts	Westmoreland	Braley (IA)	Gordon (TN)	McCarthy (CA)
Courtney	Lance	Sanchez, Loretta	Latham	Poe (TX)	Whitfield	Bright	Granger	McCarthy (NY)
Crowley	Langevin	Sarbanes	LaTourette	Posey	Wittman	Brown (GA)	Graves	McCauley
Cuellar	Larsen (WA)	Schakowsky	Latta	Price (GA)	Wolf	Brown (SC)	Grayson	McClintock
Cummings	Larson (CT)	Schauer	Lewis (CA)	Putnam	Young (AK)	Brown, Corrine	Green, Al	McCollum
Davis (CA)	Lee (CA)	Schiff	Linder	Rehberg	Young (FL)	Brown-Waite,	Green, Gene	McCotter
Davis (IL)	Lee (NY)	Schock				Ginny	Griffith	McDermott
Davis (TN)	Levin	Schwartz				Buchanan	Grijalva	McGovern
DeFazio	Lewis (GA)	Scott (GA)	Barrett (SC)	Garamendi	Radanovich	Burgess	Guthrie	McHenry
DeGette	Lipinski	Scott (VA)	Campbell	Hinojosa	Sullivan	Burton (IN)	Gutierrez	McIntyre
Delahunt	LoBiondo	Serrano	Dahlkemper	Hoekstra	Turner	Butterfield	Hall (NY)	McKeon
DeLauro	Loeb	Sestak	Davis (AL)	Jackson Lee	Wamp	Buyer	Hall (TX)	McMahon
Dent	Lofgren, Zoe	Shea-Porter	Deal (GA)	(TX)	Wasserman	Calvert	Halvorson	McMorris
Diaz-Balart, L.	Lowey	Sherman	Fallin	Massa	Schultz	Camp	Hare	Rodgers
Diaz-Balart, M.	Lujan	Shuler				Cantor	Harman	McNerney
Dicks	Lynch	Sires				Cao	Harper	Meek (FL)
Dingell	Maffei	Skelton				Capito	Hastings (FL)	Meeks (NY)
Doggett	Maloney	Slaughter				Capps	Heinrich	Melancon
Donnelly (IN)	Markey (MA)	Smith (NJ)				Capuano	Heller	Mica
Doyle	Matheson	Smith (WA)				Cardoza	Hensarling	Michaud
Edwards (MD)	Matsui	Snyder				Carnahan	Herger	Miller (FL)
Edwards (TX)	McCarthy (NY)	Space				Carney	Herseth Sandlin	Miller (MI)
Ehlers	McCollum	Speier				Carter	Higgins	Miller (NC)
Ellison	McDermott	Spratt				Cassidy	Hill	Miller, Gary
Ellsworth	McGovern	Stark				Castle	Himes	Miller, George
Engel	McIntyre	Stupak				Castor (FL)	Hinchey	Minnick
Eshoo	McMahon	Sutton				Chaffetz	Hirono	Mitchell
Etheridge	McMorris	Tanner				Chandler	Hodes	Mollohan
Farr	Rodgers	Teague				Childers	Holden	Moore (KS)
Fattah	McNerney	Thompson (CA)				Chu	Holt	Moore (WI)
Filner	Meek (FL)	Thompson (MS)				Clarke	Honda	Moran (KS)
Foster	Meeks (NY)	Tierney				Clay	Hoyer	Moran (VA)
Frank (MA)	Melancon	Titus				Cleaver	Hunter	Murphy (CT)
Frelinghuysen	Michaud	Tonko				Clyburn	Inglis	Murphy (NY)
Fudge	Miller (NC)	Towns				Coble	Inslee	Murphy, Patrick
Gerlach	Miller, George	Tsongas				Coffman (CO)	Israel	Murphy, Tim
Giffords	Minnick	Van Hollen				Cohen	Issa	Myrick
Gonzalez	Mollohan	Velázquez				Cole	Jackson (IL)	Nadler (NY)
Gordon (TN)	Moore (KS)	Visclosky				Conaway	Jenkins	Napolitano
Grayson	Moore (WI)	Walz				Connolly (VA)	Johnson (GA)	Neal (MA)
Green, Al	Moran (VA)	Waters				Conyers	Johnson (IL)	Neugebauer
Green, Gene	Murphy (CT)	Watson				Cooper	Johnson, E. B.	Nunes
Grijalva	Murphy (NY)	Watt				Costa	Johnson, Sam	Nye
Gutierrez	Murphy, Patrick	Waxman				Costello	Jones	Oberstar
Hall (NY)	Nadler (NY)	Weiner				Courtney	Jordan (OH)	Obey
Halvorson	Murphy, Tim	Welch				Crenshaw	Kagen	Olson
Hare	Napolitano	Wilson (OH)				Crowley	Kanjorski	Oliver
Harman	Neal (MA)	Wilson (SC)				Cuellar	Kaptur	Ortiz
Harper	Nye	Woolsey				Culberson	Kennedy	Owens
Hastings (FL)	Oberstar	Wu				Cummings	Kildee	Pallone
Heinrich	Obey	Yarmuth				Davis (CA)	Kilpatrick (MI)	Pastor (AZ)

## NAYS—153

Aderholt	Bono Mack	Capito
Akin	Boozman	Carter
Alexander	Boustany	Cassidy
Austria	Brady (TX)	Chaffetz
Bachmann	Broun (GA)	Coble
Bachus	Brown (SC)	Coffman (CO)
Bartlett	Brown-Waite,	Cole
Barton (TX)	Ginny	Conaway
Bilbray	Buchanan	Crenshaw
Bilirakis	Burgess	Culberson
Bishop (UT)	Burton (IN)	Davis (KY)
Blackburn	Buyer	Dreier
Blunt	Calvert	Driehaus
Boehner	Camp	Duncan
Bonner	Cantor	Emerson

## NOT VOTING—16

Barrett (SC) Garamendi Radanovich  
 Campbell Hinojosa Sullivan  
 Dahlkemper Hoekstra Turner  
 Davis (AL) Jackson Lee Wamp  
 Deal (GA) (TX) Wasserman  
 Fallin Massa Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
 The SPEAKER pro tempore (Mrs. HALVORSON) (during the vote). There is 1 minute remaining in this vote.

□ 1632

Mr. PAUL changed his vote from “yea” to nay.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## EXPRESSING CONCERN ABOUT SUICIDE PLANE ATTACK ON IRS EMPLOYEES IN AUSTIN, TEXAS

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1127, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and agree to the resolution, H. Res. 1127.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 2, not voting 21, as follows:

[Roll No. 83]

YEAS—408

Ackerman	Alexander	Austria
Aderholt	Altmire	Baca
Adler (NJ)	Andrews	Bachmann
Akin	Arcuri	Bachus

Baldwin	Baldwin	Baird	Duncan	Larson (CT)
Barrow	Barrow	Baldwin	Edwards (MD)	Latham
Bartlett	Barrow	Edwards (TX)	LaTourette	Latta
Barton (TX)	Bartlett	Ehlers	Lee (CA)	Lee (NY)
Bean	Ellison	Ellsworth	Levin	Lewis (CA)
Becerra	Emerson	Engel	Lewis (GA)	Linder
Berkley	Eshoo	Etheridge	Lipinski	LoBiondo
Berman	Farr	Fattah	Loeb	Loftgren, Zoe
Berry	Fleming	Forbes	Lucas	Lowe
Biggert	Fortenberry	Foster	Lujan	Lummis
Bilbray	Fox	Frank (MA)	Lungren, Daniel	E.
Bilirakis	Franks (AZ)	Frelinghuysen	Lynch	Mack
Bishop (GA)	Fudge	Gallegly	Maffei	Maloney
Bishop (NY)	Garrett (NJ)	Gerlach	Manzullo	Marchant
Bishop (UT)	Giffords	Gingrey (GA)	Markey (CO)	Marshall
Blackburn	Gohmert	Gonzalez	Matheson	Matsui
Blumenauer	Goodlatte	McCarthy (CA)	McCarthy (NY)	McCauley
Blunt	Gordon (TN)	Granger	Graves	McClintock
Boccieri	Granger	Grayson	Green, Al	McCollum
Boehner	Green, Gene	Griffith	McDermott	McGovern
Bonner	Grijalva	Guthrie	McHenry	McIntyre
Bono Mack	Gutierrez	Hall (NY)	McKeon	McMahon
Boozman	Hall (TX)	McMorris	Rodgers	McNerney
Brown (GA)	Harman	Meek (FL)	Meeks (NY)	Melancon
Brown (SC)	Harper	Michaud	Miller (FL)	Miller (MI)
Brown, Corrine	Hastings (FL)	Miller (NC)	Miller, Gary	Miller, George
Brown-Waite,	Heinrich	Minnick	Mitchell	Moore (KS)
Ginny	Hirono	Mollohan	Moore (WI)	Moran (KS)
Buchanan	Holt	Moran (VA)	Murphy (CT)	Murphy (NY)
Burgess	Hoyer	Murphy, Patrick	Murphy, Tim	Myrick
Burton (IN)	Hunter	Nadler (NY)	Napolitano	Neal (MA)
Butterfield	Inglis	Neugebauer	Nunes	Nye
Buyer	Inslee	Oberstar	Obey	Olson
Calvert	Israel	Oliver	Ortiz	Owens
Camp	Issa	Pallone	Pastor (AZ)	Paulsen
Cantor	Jackson (IL)	Payne	Pence	Perlmutter
Cao	Jenkins	Perriello	Peters	Peterson
Capito	Johnson (GA)	Petri	Pitts	Platts
Capps	Johnson (IL)	Poe (TX)	Posey	Price (GA)
Capuano	Johnson, E. B.	Price (NC)	Putnam	
Cardoza	Johnson, Sam			
Carnahan	Jordan (OH)			
Carney	Kagen			
Carter	Kanjorski			
Cassidy	Kaptur			
Castle	Kennedy			
Castor (FL)	Kildee			
Chaffetz	Kilpatrick (MI)			
Chandler	Kilroy			
Childers	Kind			
Chu	King (IA)			
Clarke	King (NY)			
Clay	Kingston			
Cleaver	Kirk			
Clyburn	Kirkpatrick (AZ)			
Coble	Kissell			
Coffman (CO)	Klein (FL)			
Cohen	Kline (MN)			
Cole	Kosmas			
Conaway	Kratovil			
Connolly (VA)	Kucinich			
Conyers	Lamborn			
Cooper	Lance			
Costa	Langevin			
Costello	Larsen (WA)			
Courtney				
Crenshaw				
Crowley				
Cuellar				
Culberson				
Cummings				
Davis (CA)				
Davis (IL)				
Davis (KY)				
Davis (TN)				
DeFazio				
DeGette				
Delahunt				
DeLauro				
Dent				
Diaz-Balart, L.				
Diaz-Balart, M.				
Dicks				
Dingell				
Doggett				
Donnelly (IN)				
Doyle				
Dreier				
Driehaus				

Quigley	Schrader	Thompson (CA)
Rahall	Schwartz	Thompson (MS)
Rangel	Scott (GA)	Thompson (PA)
Rehberg	Scott (VA)	Thornberry
Reichert	Sensenbrenner	Tiahrt
Reyes	Serrano	Tiberi
Richardson	Sessions	Tierney
Rodriguez	Sestak	Titus
Roe (TN)	Shadegg	Tonko
Rogers (AL)	Shea-Porter	Towns
Rogers (KY)	Sherman	Tsongas
Rogers (MI)	Shinkus	Upton
Rohrabacher	Shuler	Van Hollen
Rooney	Shuster	Velázquez
Ros-Lehtinen	Simpson	Visclosky
Roskam	Sires	Walden
Ross	Skelton	Walz
Rothman (NJ)	Slaughter	Waters
Roybal-Allard	Smith (NE)	Watson
Royce	Smith (NJ)	Watt
Ruppersberger	Smith (TX)	Waxman
Rush	Smith (WA)	Weiner
Ryan (OH)	Snyder	Welch
Ryan (WI)	Souder	Westmoreland
Salazar	Space	Whitfield
Sánchez, Linda	Speier	Wilson (OH)
T.	Spratt	Wilson (SC)
Sanchez, Loretta	Stark	Wittman
Sarbanes	Stearns	Wolf
Scalise	Stupak	Woolsey
Schakowsky	Sutton	Wu
Schauer	Tanner	Yarmuth
Schiff	Taylor	Young (FL)
Schmidt	Teague	
Schock	Terry	

## NAYS—2

Paul Young (AK)

## NOT VOTING—21

Barrett (SC)	Hastings (WA)	Pingree (ME)
Campbell	Hinojosa	Radanovich
Carson (IN)	Hoekstra	Sullivan
Dahlkemper	Jackson Lee	Turner
Davis (AL)	(TX)	Wamp
Deal (GA)	Markey (MA)	Wasserman
Fallin	Massa	Schultz
Garamendi	Pascarell	

□ 1640

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MARKEY of Massachusetts. Madam Speaker, on rollcall No. 83, I did not vote, but intended to vote "yes."

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore (Mr. BRIGHT). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later in the week.

□ 1645

CONGRATULATING NFL CHAMPION  
NEW ORLEANS SAINTS

Mr. MELANCON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1079) congratulating the National Football League Champion New Orleans Saints for winning Super Bowl XLIV and for bringing New Orleans its first Lombardi Trophy in franchise history, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 1079

Whereas, on February 7, 2010, the New Orleans Saints defeated the Indianapolis Colts by a score of 31 to 17 to win the National Football League (NFL) Championship;

Whereas the Saints' victory is the first championship in the franchise's 43-year history;

Whereas the 2009 season was the best in Saints franchise history, including an unprecedented 13-game winning streak;

Whereas Saints owners Tom Benson and Rita Benson LeBlanc have invested in the success of the Saints and have been remarkable in revitalizing this storied franchise and promoting a strong and united New Orleans and Louisiana;

Whereas Saints General Manager Mickey Loomis has been successful in building an outstanding team by drafting new players and signing key free agents;

Whereas Doug Thornton, Senior Vice President of Stadiums and Arenas, helped the Saints return to New Orleans through his integral role in rebuilding the Superdome after Hurricane Katrina;

Whereas Coach Sean Payton, with the help of Defensive Coordinator Gregg Williams, Offensive Coordinator Pete Carmichael, Jr., and all of the Saints' coaching staff, led the team to its first National Football Conference (NFC) Championship and first ever Super Bowl victory through leadership and a winning philosophy;

Whereas the Saints led the league with an average of 31.9 points and 403.8 yards per game during the 2009 regular season;

Whereas, in the 2009 regular season, the Saints eclipsed team records in most points and most touchdowns in a season and most interceptions returned for a touchdown in a game;

Whereas Saints quarterback Drew Brees set an NFL record by completing 70.6 percent of his passes during the 2009 regular season; Whereas Drew Brees, Darren Sharper, Jahri Evans, Jonathan Vilma, and John Stinchcomb of the Saints were named to the 2010 NFC Pro Bowl squad;

Whereas Drew Brees was named the Most Valuable Player for Super Bowl XLIV;

Whereas during Super Bowl XLIV—

(1) the Saints accumulated a total of 332 yards;

(2) quarterback Drew Brees passed for 288 yards, threw 2 touchdowns, and tied a Super Bowl record with 32 pass completions;

(3) Marques Colston led the Saints in receiving with 7 catches for 83 yards;

(4) Saints kicker Garrett Hartley set a Super Bowl record with 3 field goals of over 40 yards each; and

(5) Thomas Morstead's perfectly executed onside kick to start the second half and Tracy Porter's 74-yard interception for a touchdown late in the fourth quarter were integral in the Saints' victory and will forever be remembered by the "Who Dat" faithful;

Whereas Saints owner Tom Benson, during the Lombardi Trophy presentation at mid-field, said "Louisiana, by the way of New Orleans, is back. And this shows the whole world. We're back.";

Whereas the Saints' motto all year has been "Finish Strong";

Whereas the Saints repeatedly have been called a beacon of hope for the city of New Orleans and a catalyst for recovery throughout Louisiana and the Gulf Coast Region;

Whereas the Saints have positively influenced and lifted the morale of the people in

New Orleans and throughout Louisiana and the Gulf Coast Region;

Whereas the New Orleans Saints are headquartered in the 1st Congressional District of Louisiana in Metairie, Louisiana;

Whereas ESPN's Wright Thompson in his article "Saints the Soul of America's City" captured the essence and importance of the Saints to the city of New Orleans and noted the resilience of this year's team by stating, "It's perfect, isn't it? The expansion team whose first roster was created from players unwanted by other teams has finally found success with a similar group."; and

Whereas the 2009 Saints are evidence of what can be accomplished when self is set aside and a teamwork mentality is adopted by all of the players: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates the New Orleans Saints, the team's coaches and players, and the loyal members of the "Who Dat" Nation on winning Super Bowl XLIV; and

(2) recognizes—

(A) the New Orleans Saints as the soul of New Orleans; and

(B) the significant contributions made by the team in the recovery efforts of New Orleans, Louisiana, and the Gulf Coast Region.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. MELANCON) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. MELANCON).

## GENERAL LEAVE

Mr. MELANCON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. MELANCON. Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am proud to present House Resolution 1079 for consideration. This resolution congratulates the National Football League Champion New Orleans Saints for winning Super Bowl XLIV and for bringing New Orleans its first Lombardi Trophy in franchise history.

House Resolution 1079 was introduced by my friend and colleague, Representative JOSEPH CAO of Louisiana, on February 9, 2010, and enjoys the support of over 70 Members of Congress.

Mr. Speaker, on February 7, 2010, after a hard fought and dramatic game, the New Orleans Saints, playing in their first ever championship game, defeated the Indianapolis Colts by a score of 31-17 to win Super Bowl XLIV. The victory is the first championship in the Saints' 43-year history and caps a truly remarkable season for the franchise. The Saints finished the regular season with a franchise best 13 wins and 3 losses.

During the 2009 season, they led the National Football League in average points per game and yards per game. Furthermore, the 2009-2010 Saints set franchise records for most points and most touchdowns in a season, as well as most interceptions returned for a touchdown in a single game. Still, it

was during the Super Bowl that the Saints truly distinguished themselves as the best team in the NFL. Despite facing a formidable opponent in the Indianapolis Colts, led by a New Orleans native, Peyton Manning, the Saints relied on head coach Sean Payton's aggressive game plan and the outstanding play of starting quarterback Drew Brees to win the game.

Brees, who was named Super Bowl MVP, passed for 288 yards, threw two touchdown passes, and tied a Super Bowl record with 32 pass completions. Along with Brees' impressive performance, Saints kicker Garrett Hartley set a Super Bowl record by making three field goals of over 40 yards. The Saints also successfully executed a risky on-side kick to start the second half of the game. And Tracy Porter's—a Port Allen native—74-yard interception return for a touchdown ensured the Saints' victory.

The New Orleans Saints' success in Super Bowl XLIV stands as a testament to what can be achieved through hard work, dedication, and a never-say-never spirit. In fact, the Saints' motto throughout the 2009–2010 season was “Finish Strong.” And they certainly did. The Saints' commitment to teamwork and to the achievement of excellence is both inspiring and commendable.

Furthermore, their victory has helped raise the spirits of the City of New Orleans and the entire State of Louisiana in the midst of the region's continued reconstruction efforts following Hurricane Katrina and subsequent hurricanes. For all these reasons, the New Orleans Saints' achievement deserves our praise. And personally, I want to applaud the team's players, coaches, management, and all those who helped them accomplish this historic event.

Mr. Speaker, let us as a body take the opportunity to commend this year's Super Bowl champions through the passage of House Resolution 1079, which congratulates the New Orleans Saints on winning Super Bowl XLIV and for bringing New Orleans its first Lombardi Trophy in franchise history.

I reserve the balance of my time.

Mr. CAO. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1079, congratulating the National Football League Champion New Orleans Saints for winning Super Bowl XLIV and bringing New Orleans its first Lombardi Trophy in franchise history. As a New Orleanian and Representative to Congress for Orleans and Jefferson Parishes, I am honored to congratulate the Saints on their historic season.

I want to thank the 22 original cosponsors and 75 total cosponsors of House Resolution 1079 for joining me to congratulate and support the Saints. I would also like to thank my colleagues in the entire Louisiana delegation for their dedication to the recovery of south Louisiana. We have collaborated

in Congress on efforts to rebuild our region, and I hope to continue working with them in the future.

The Saints' motto all season has been “Finish Strong.” And they did that very thing with a 31–17 victory over the Indianapolis Colts in Super Bowl XLIV. The Saints' Super Bowl victory not only shows the dedication and hard work of the organization, coaches, and players, but also represents a beacon of hope for the City of New Orleans and a catalyst for recovery throughout Louisiana. House Resolution 1079 emphasizes the positive influence that the Saints have had on people in New Orleans and the Gulf Coast region.

I introduced House Resolution 1079 to congratulate the Saints because for the past 5 years the Saints have symbolized the City of New Orleans through their pride, resiliency, traditions, suffering, faith, loyalty, and hope.

This resolution congratulates Saints owners Tom Benson and Rita Benson LeBlanc for their investment in the future of the Saints and their dedication and commitment to a strong and united New Orleans. This resolution also congratulates Doug Thornton, Senior Vice President of Stadiums and Arenas, for helping the Saints return to New Orleans by playing an integral role in rebuilding the Superdome after Hurricane Katrina.

House Resolution 1079 also brings attention to the individuals who made this season a success. I want to specifically thank head coach Sean Payton for his love and commitment to the people and the City of New Orleans, and to congratulate him in being the lone head coach in Saints history to open a season with 13 straight wins and holding the all-time winning percentage record for a Saints head coach.

This resolution also highlights statistics from the Saints' regular season and Super Bowl XLIV, such as Drew Brees completing 70.6 percent of his passes during the regular season, which is an NFL record; Darren Sharper setting an NFL record for most interception return yardage in a regular season with 376 yards; the Saints leading the league in 2009 with 31.9 points per game and 403.8 yards per game; the 2009 Saints surpassing team records for most points in a season, most touchdowns in a season, longest winning streak, most interception return yards, and most interceptions returned for a touchdown in a game.

Other statistics from Super Bowl XLIV were Drew Brees setting a Super Bowl record with 32 pass completions, Marques Colston leading the Saints in receiving yards with 83, the team rushing for a total of 51 yards on 18 carries, and Garrett Hartley setting a Super Bowl record with three field goals of over 40 yards.

For the past several months, I have been reading statements on the House floor about the importance of the Saints and their positive impact on New Orleans and I want to continue

that tradition with a few statements from my district.

Ms. Loretta Brehm writes, “The whole Saints organization exemplifies leadership, professionalism, and a ‘never give up attitude.’ They have brought together all parts of our community, regardless of race, religion, or economic status. Much has been given to our community by their generous spirit and positive actions. If we as a community can model from their success, there is no limits to what we can accomplish.”

Ms. Melissa Smith writes, “All those involved with the Saints organization took a chance on the City of New Orleans. Doug Thornton performed a miracle and ensured that the team had a facility to play in. The Bensons returned the team to New Orleans. And the team as a whole provided an avenue for all of us to come home and gave us the faith we need to overcome certain odds.”

New Orleanians remark about the resurgence of the team and how they spur the resurgence of the city. “The New Orleans Saints gave this city hope during a time when we didn't have this hope in ourselves. They provided people with a plan that depends on discipline, dedication, and determination. We may be tired and poor right now, but we are contenders. We are New Orleans. We are America.”

I reserve the balance of my time.

Mr. MELANCON. Mr. Speaker, I yield 2 minutes to my friend from Indiana (Mr. CARSON) to express his gratitude for the New Orleans Saints winning. I think that is what he wants to say.

Mr. CARSON of Indiana. Mr. Speaker, I come here today as a proud American, a proud Hoosier, and most importantly a proud Colts fan. But I also come donning a New Orleans Saints tie given to me by my friend and colleague, Representative SCALISE of Louisiana, based on an agreement that was made between the both of us. The Indianapolis Colts indeed are a legendary team. Yes, they are iconic and a juggernaut in their own right, but I too must acknowledge the Saints great ability on the football field in winning the Super Bowl. And I want to commend the New Orleans Saints, as well as the residents of Louisiana, for their resilience in a time of great trial, and just to tell them to keep up the great work, Who Dat, and Go Colts.

Mr. CAO. Mr. Speaker, I would like to yield 1 minute to my good friend from Indiana, Mr. DAN BURTON. He and I entered into a little bet, and the bet was 5 pounds of Indiana steaks for 5 pounds of Louisiana shrimp. And I must say this past weekend the steaks were very, very delicious.

Mr. BURTON of Indiana. This may take more than 1 minute, Mr. CAO. But let me just say that I have been in Congress a long time, and this truly is one of the most humbling moments of my career. I was so confident that the Indianapolis Colts were going to beat the Saints that you wagered 5 pounds of

shrimp against 5 pounds of Fisher Farms steaks from Jasper, Indiana. And I was so confident that I was going to be eating shrimp, I invited all my friends in and bought a bunch of shrimp sauce. And now I have got enough shrimp sauce for 5 pounds of shrimp and no shrimp. So it is a humbling experience.

What really adds insult to injury, though, is your quarterback, Drew Brees, went to Purdue University in Indiana. It is almost unholy for him to do that to us. And the second thing is the fellow that intercepted the pass that won the game for you went to Indiana University. I just don't understand this. The gods just weren't looking at us favorably that day. But in all seriousness, I hope you don't choke on that steak you got from me. I hope you enjoy it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAO. I yield the gentleman 1 additional minute.

Mr. BURTON of Indiana. This is a great time for New Orleans. They have had some real tough times over the past several years. And I think Drew Brees and that team really does them proud. And if any team was going to win the Super Bowl other than the Colts, I am glad it was the New Orleans Saints. So congratulations. But let me just end by saying this: We will be back next year.

Mr. MELANCON. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentleman has 16 minutes remaining.

Mr. MELANCON. Let me just start by saying in New Orleans we have what is known as the Who Dats. That is the people that have been loyal since day one. We now have in New Orleans a group called the Renew Dats, which is the group that wasn't sure every year, and the Saints had to try and prove themselves. And we now have a group of people in New Orleans and Louisiana and in the South and in the Nation for that matter called the New Dats, who have now become believers in the Saints.

My 92-year-old mother-in-law has been a fan of the Manning family, since she comes from North Mississippi, and it took her until Super Bowl Sunday morning to reconcile how she handled the daughters, particularly the one that lives in Louisiana, my wife, and the New Orleans Saints versus the Baltimore Colts and Peyton Manning. That Sunday morning she called her daughter and said, "Peachy, I figured it out. Peyton has a Super Bowl ring, so I will pull for the New Orleans Saints today." And Peachy turned around and said, "It looks like we're going to win it."

So with that, New Orleans has seen an historic occasion. It is euphoric in its mood. It is in a new time, if you would, because of the excitement, the love of the franchise, the team players themselves, the coaches, and the people that have made this such a great and wonderful year.

Mr. Speaker, I yield back the balance of my time.

Mr. CAO. Mr. Speaker, I would like to yield 2 minutes to my distinguished colleague from the State of Louisiana (Mr. FLEMING).

Mr. FLEMING. I thank my friend, Mr. CAO, for proposing this resolution, and for having this debate today, and certainly other members from our delegation.

Let me just say parenthetically, in response to our good friend from Indiana (Mr. BURTON) that there is another irony that goes along with this as well, and that is that Peyton Manning, the quarterback for the Colts, is the son of none other but Archie Manning, who was present for the Saints from the very beginning of its franchise. So we have ironies boiling over here.

What I would like to do is congratulate the World Champion New Orleans Saints on winning the franchise's first Super Bowl. The New Orleans Saints beat the Indianapolis Colts by a score of 31-17 on February 7, 2010. The Saints are an inspiration to all of us on and off the field.

After not playing a single game in their home stadium in 2005 after Hurricane Katrina, the Saints came back in 2006 to a revitalized Superdome and carried that momentum to rebuilding a city and its people. The team donated money to charities and their time into renewing their city. The adversity they overcame is enormous, but the hope they gave was even greater. I certainly congratulate the Saints on winning Super Bowl XLIV, and I also welcome everyone in America to the Who Dat Nation.

□ 1700

Mr. CAO. Mr. Speaker, I would like to yield 2 minutes to my dear friend from Louisiana (Mr. CASSIDY). He has been a wonderful friend as well as a wonderful supporter of me in the past year.

Mr. CASSIDY. I thank the gentleman from Louisiana.

Mr. Speaker, I rise today in support of Mr. CAO's resolution, honoring the Super Bowl champion, the New Orleans Saints. You know, I remember as a child watching the Saints play in the old Tulane football stadium. And between the time I was a child and now, there have been some rough times. But this year was different. They started off with 13 wins. They had three hard-fought postseason victories.

I am especially pleased to say that the victory in the NFC championship and Super Bowl was due in great part to decisive interceptions by Tracy Porter, who played football at Port Allen High School in West Baton Rouge Parish. I represent that area. And Mr. BURTON is right, he went to Indiana. But to atone the sin of doing so, he came back and had a Pick Six against the Colts. Mr. Porter, by the way, has also participated, in the week going up to the Super Bowl, in a relief effort for the victims of the Haiti earthquake. So not

only is he a great football player but is also a fine person.

That said, good things do come to those who wait. No one knows that better than the Who Dat Nation. Congratulations to the players, coaches and of course the Saints fans back home in Louisiana and across the country.

Mr. CAO. Mr. Speaker, I cannot find a more ardent Saints fan than the next speaker, Mr. STEVE SCALISE. He represents about 10 percent of New Orleans and a good part of Jefferson Parish. And most of the fans of New Orleans comes from the parishes that Mr. SCALISE represents.

I yield 5 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. Mr. Speaker, I want to thank Mr. CAO, my colleague from New Orleans, for bringing the resolution. It's really a special time. If you have been in and around the city of New Orleans—and of course so many people have been focused on New Orleans in looking at the bad things that happened to our city after Hurricane Katrina. But we've had such an outpouring over the years of people who have been rooting for and pulling for the city to come back. I think what's been the most special thing about this past year with the Saints in their success that they've had on the football field is that it's really galvanized the city, but it's also galvanized the rest of the country.

I brought a football here, it has the Super Bowl logo, and it represents the fact that the Saints won the Super Bowl. And of course here we're today congratulating the Saints on winning the Super Bowl. But this victory was much more than a football game. Not only do I remember back during the years that my dad took me to Tulane Stadium when I was a little kid, and as my colleague, Congressman CASSIDY, talked about some of those leaner years, I think it's the resilience of the team, but it really starts at the top.

We would be remiss if we didn't emphasize the importance to our community that the owner, Tom Benson, has meant. The fact that he bought the team back in the 1980s, but then the fact that even through some of those tough years, he made a dedication to excellence, that he was going to build a team—and he said it many times—that would win a Super Bowl. And there were a lot of people that wondered if that would ever happen. There were a lot of people that were crying in the city of New Orleans not only when the Saints won the NFC championship game, but when the Saints went to the Super Bowl and won the Super Bowl, because there were so many who just thought it never would happen. But it did happen.

I think the Times-Picayune, our local paper, said it best the morning after the Super Bowl victory. The headline was "Amen" because many people's prayers were answered. Of course, the Saints are named after the

saints. I think we had a lot of prayers from above, but those prayers were answered.

In a lot of ways, those prayers were answered by the organization that Tom Benson and his wife Gayle and his granddaughter Rita Benson LeBlanc and Dennis Lauscha and so many others with the Saints organization who made that commitment to build a world-class football team. And if you just go through and you look at some of the great talent that's been amassed now, you start with the coach, Sean Payton. He did one of the more unselfish acts of actually giving up some of his own salary to bring in a defensive coordinator who truly helped transform that defense into what so many people saw and admired on the field.

But I think that as I talk about a few of the players that I really want to feature and commend, it's not so much the acts that they did on the field because we saw what they did on the field, and it inspired people in the city of New Orleans. It inspired people all across the Nation. And Drew Brees winning the MVP and putting up record numbers and 32 completions, a Super Bowl record. And Garrett Hartley with three-for-three field goal attempts and three over 40 yards, setting a Super Bowl record.

And who can forget Tracy Porter's interception return for a touchdown? And of course the gutsy call that Sean Payton made to start the second half to do an onside kick. All of those were great plays. But it's what the Saints have done off the field that has really formed a unique bond between the Saints and their fans, and it's something that we've seen after Katrina.

You know, for those of us who were in the Super Bowl that night in 2006 for the Atlanta Falcons game when they reopened the dome, when people said the Superdome would never open again; when many people said New Orleans would never have an NFL team again, in fact, when many people said that New Orleans wasn't going to come back, that really was one of those watershed moments that galvanized the city, and it told so many other people that they could come back, they could rebuild because the Saints came back. Since then, they've served as great role models off the field, and that's something important because we don't see that enough in sports.

But Sean Payton's got a Payton's Pay It Forward Foundation, and he has donated hundreds of thousands of dollars to do great things in the community, giving money to other organizations that do great things in the community. We've seen Drew Brees. And of course Drew Brees, he has gotten so many accolades on the field. But off the field, he has gotten accolades as well. His Brees Dream Foundation has donated \$4.5 million to various causes throughout the city, done wonderful things, helped young kids. He was the 2006 Walter Payton Man of the Year, just an incredibly high-quality person

who has gotten involved in the community.

I want to talk about Reggie Bush finally. Today, by the way, is Reggie Bush's birthday. Reggie Bush wears number 25 on the field, and today is his 25th birthday. So we want to say happy birthday to Reggie Bush. But through Reggie Bush's 619 Foundation, he has donated hundreds of thousands of dollars to the community. And in fact, Tad Gormley Field, which is a field where many of the high schools in New Orleans play their football games, he donated \$86,000 to rebuild that field after Katrina so that so many young people not only can look up to athletes as role models but also can have the opportunity to go and participate and learn about sports.

So it's been an incredible opportunity. We appreciate what the Saints have done on the field, but we also appreciate what Tom Benson and his leadership and the team have done off the field too.

Mr. CAO. Mr. Speaker, I would like to yield 2 minutes to the distinguished Member from the State of Louisiana, Dr. BOUSTANY. Dr. BOUSTANY has been a wonderful friend to me as well as a wonderful mentor, and it's always good to know that there will always be a great person for me to lean on.

Mr. BOUSTANY. Mr. Speaker, I thank my friend and colleague Mr. CAO for giving me time and for bringing this resolution to the floor which I wholeheartedly support, congratulating the New Orleans Saints for winning Super Bowl XLIV and bringing this long overdue NFL championship to south Louisiana.

You know, I was talking to some businessmen back home in my district who told me after the victory that they're starting to see out-of-state business opportunities come up as a result of the new-found spirit that's come about following this great Super Bowl victory, and it's a wonderful thing for Louisiana.

After 43 years without reaching the Super Bowl, the Saints did it. They finally did it, and it's been a great victory for all of us. It's great for our State. Leading that charge was Super Bowl MVP quarterback Drew Brees, who completed 32 out of 39 pass attempts for 288 yards, two touchdowns. And Louisiana native Tracy Porter, whose 74-yard interception returned for a touchdown sealed this game.

But I am really especially proud of one player from my district. He is a graduate of Opelousas High School, wide receiver Devery Henderson. He is in his sixth season with the Saints. He caught 68 passes for 867 yards this year and four touchdowns, and he played a key role on offense in the Super Bowl, catching seven important passes for a total of 63 yards.

This is truly a very special occasion for the Who Dat Nation, all of our Saints fans in Louisiana and around this great country. We want to honor Sean Payton for his genius and what he

has brought to the Saints organization, and for the entire Saints family, the organization, for what they've done for New Orleans and the rest of the Saints. We are exceedingly proud of what has happened. We commend the families and the players, the coaches and the support staff and the loudest and most loyal fans of all, the Who Dat Nation.

Mr. CAO. I thank the gentleman very much. And because the Saints have been so important to my constituents, I will be making official copies of the resolution to be available to them. They can receive a copy by contacting my office in Washington or New Orleans.

I want to close with a prayer for the Saints, delivered by Archbishop Philip Hannan at the first Saints and Sinners Banquet in 1968. It reads:

"Our heavenly Father, who has instructed us that the 'saints by faith conquered kingdoms and overcame lions,' grant our Saints an increase of strength and faith so that they will not only overcome the Lions, but also the Bears, the Rams, the Giants, and even those awesome people in Green Bay. May they continue to tame the Redskins and fetter the Falcons as well as the Eagles. Give to our owners and coaches the continued ability to be as wise as serpents and simple as doves, so that no good talent will dodge our draft. Grant to our fans perseverance in their devotion and unlimited lung power, tempered with a sense of charity to all, including the referees. May our beloved Bedlam Bowl be a source of good fellowship, and may the 'Saints Come Marching In' be a victory march for all, now and in eternity."

Mr. Speaker, I rise today in honor of the great city of New Orleans and our great State of Louisiana, and her beloved Super Bowl Champions, the New Orleans Saints. The bond between this great city and her team is a special one indeed. In the past few years, both have worked together hand in hand to rebuild and inspire our city. No players in the NFL and their community have had a greater bond and love for each other than do ours. Because, from out of the devastation of Katrina, we have all grown and cried together . . . and so has our love for each other. The Saints season this year in many ways has mirrored New Orleans and its climb from out of the abyss. This year's Super Bowl was not only one of the greatest, but also the largest watched event in the history of television. I ask that this poetic tribute penned by Albert Caswell of the Capitol Guide Service be placed in the RECORD in honor of them.

Fat Sunday,  
When, Dat Da Saints Came Marching In!  
A day they'll long remember, as The Football God's will contend there!  
When a Cool Brees blew into town . . . as number "9", Drew, and gunned . . .  
Gunned Da Colts Down!  
As The Saints corralled em, and put em out to pasture . . . a real "Who Dat?" Disaster!  
You see, everybody was dissing . . . this Cajun Country's football team's edition. . .  
But, from this City of The Saints . . . where pain and heartache has so been. . .



When, came a rising . . . as a team and a city rebuilding, with but tears in eyes then, their dreams realizing!

For in this land of The Bayou, where hope and dreams and faith somehow never ends . . . Why Who!

As the Colts came into town, as everyone thought they were the real studs to be found. . .

But, from those ocean breezes . . . you could hear those "Who Dat" heart's a beating!

Fat Sunday, When Dat Da Saints Came Marching In. . .

Getting behind early, when Coach Payton . . . said Don't Do Dat . . . Worry!

As Garrett was showing his Hartley, kicking two fields in the first half . . . To Do Dat his part, he!

An onside kick by Morsted, playing to win! Be Bold! For that's how the coach has always been!

As The Saints Came Marching In!

As Drew Daddy, took em down the field . . . so cool and so unreal . . . as he refused to yield!

As the defense was Vilmanizing, all those horses, making them losing stride then. . .

Leaving the Colts offense, with but tears in their eyes then!

For on the bench it so seemed, like Peyton . . . lost his dream. . .

Was forever waiting . . . awaiting to get in. . .

As Thomas showed his promise, as number "23" went 16 yds for a TD. . .

When, in the 4th quarter, touchdown . . . as The Shockey treatment was in order. . .

As it was getting close . . . with Peyton, moving in for the tying score . . . it meant the most!

As he threw the ball, you could hear his heart call . . . "WHO DAT?"

As it was number "22" Porter, saying Peyton, your our of order!

Running the ball back, all the way back to The French Quarter. . .

Gator Got You Manning! As Archie cried . . . When I played, where were you guys then?

As it was one heck of a game, with courageous hearts like Fereeny to be seen. . .

As a City on this night, took one more giant step towards the light!

And Healing It Would Seem!

With, all of that darkness of a past . . . she could smile and she could laugh. . .

And, let it be said, no more paper bags over heads . . . for The Saints. . .

ARE NOT THE AINT'S . . . ANYMORE!

And the world so surely knows, Who Dat? Who Da Does?

Dat Da Saints! Dat Da World Championaints!

Mr. Speaker, I rise today in support of House Resolution 1079—Congratulating the New Orleans Saints for winning Super Bowl 44 and bringing this long overdue NFL championship to South Louisiana.

After 43 years without reaching the Super Bowl, the Saints defeated the AFC Champion Indianapolis Colts 31 to 17 on February 7th to grasp their 1st Lombardi Trophy in franchise history.

Leading the charge was Super Bowl MVP Quarterback Drew Brees, who completed 32 out of 39 pass attempts for 288 yards and 2 touchdowns—and Louisiana native Tracy Porter, whose 74-yard interception return for a touchdown sealed the game for the Saints.

I am especially proud of one player from my district, Opelousas High School graduate—Wide Receiver Devery Henderson. In his 6th

season with the Saints, Devery caught 58 passes for 867 yards and 4 touchdowns. He was also an offensive centerpiece in the Super Bowl, catching 7 key passes for a total of 63 yards.

This championship is very special to Saints fans, also known as the Who Dat Nation, and the great State of Louisiana. It is my honor to recognize Coach Sean Payton and the 2009 New Orleans Saints for all of their accomplishments this season and for bringing home the Lombardi Trophy which Coach Payton has yet to let out of his sight.

I also want to commend the families of these players, coaches and support staff, and the loudest and most loyal fans in the NFL.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. MELANCON) that the House suspend the rules and agree to the resolution, H. Res. 1079, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CAO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### AMERICA SAVES WEEK

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1082) supporting the goals and ideals of the fourth annual America Saves Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1082

Whereas financial security is one of the most important issues for most Americans, whether it involves saving for a college education, an unforeseen emergency, a house, or for retirement;

Whereas personal savings as a percentage of disposable income has risen from 1.2 percent in the first quarter of 2008 to 4.8 percent in the fourth quarter of 2009, according to the Bureau of Economic Analysis;

Whereas according to the Employee Benefit Research Institute, the percentage of workers very confident about having enough money for a comfortable retirement fell to 13 percent in 2009, down from 18 percent in 2008, and more workers expect to work longer to supplement their income in retirement;

Whereas older Americans are more likely to live within 200 percent of poverty than any other age group, according to the 2009 Employee Benefit Research Institute's Databook, and more than 60 percent of the current elderly population relies on Social Security for over three-fourths of their annual income, according to a 2009 Social Security Administration report;

Whereas the average savings of retirees remains at \$50,000 according to the Federal Reserve Board's Survey of Consumer Finances for 2007, and recent financial instability has diminished those funds;

Whereas America Saves, managed by the Consumer Federation of America, was estab-

lished nine years ago as an annual nationwide campaign that encourages consumers, especially those in lower-income households, to increase their financial literacy, enroll as American Savers, and establish a personal savings goal in an effort to build personal wealth and enhance financial security;

Whereas over 2,000 local, State, and national organizations, including government agencies, financial institutions, and nonprofits, have motivated more than 245,000 people to enroll as American Savers through events such as financial literacy classes, financial fairs, free tax preparation assistance programs, and deposit campaigns; and

Whereas encouraging automatic and habitual savings is a primary focus for this year's America Saves Week, February 21, 2010, through February 28, 2010, and that focus is reflected in the work of the Financial and Economic Literacy Caucus, America Saves, and American Savings Education Council's Choose to Save Campaign: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the importance of savings to financial security;

(2) supports the goals and ideals of "America Saves Week"; and

(3) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, non-profit organizations, businesses, other entities, and the people of the United States to observe America Saves Week with appropriate programs and activities with the goal of increasing the savings rates for individuals of all ages and walks of life.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentleman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

#### GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation and to insert extraneous materials thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself as much time as I may need at this point.

I rise today in strong support of House Resolution 1082, which supports the goals and ideals of the fourth annual America Saves Week, which was held February 21 through February 28 of this year.

Mr. Speaker, the primary focus of this year's America Saves Week is encouraging automatic and habitual savings, a great need at this time in the history of our country. This is a theme that is reflected in the work of our Financial and Economic Literacy Caucus; the Treasury's Office of Financial Education; as well as the Financial Literacy Education Commission; and Federal agencies and nonprofit community-based groups, private sector organizations, the Consumer Federation of America, and the Employee Benefits Research Institute and its American Savings Education Council "Choose to Save" campaign, a wonderful coalition

of great Americans who are focusing us on a great need today.

□ 1715

Mr. Speaker, financial literacy is one of the most important issues for Americans today, whether it involves saving enough money for our children's college education, saving for an unforeseen medical or family emergency, a house, maybe a car, or one's retirement.

The current economic instability in our Nation today highlights even more to all Americans the necessity of having a savings plan, some emergency savings, and the value of making savings automatic.

Research has found that there are higher- and middle- and lower-income savers; and there are spenders, middle, higher, and lower, and almost all have the ability to build wealth through contributions to workplace retirement programs, building home equity, and other savings, if nothing more than just a simple savings account starting at a very young age for our children to get them in the habit of saving.

Older Americans are more likely to live within 200 percent of poverty than any other age group, and more than 60 percent of the current elderly population relies on Social Security for three-fourths of their annual income. And what I find even more alarming, Mr. Speaker, is that the average savings of retirees remain at \$50,000, and the current financial crisis is draining these funds every day; hence, the need to help address the financial challenges that older Americans face.

To shed light on all of these shortcomings, as well as provide ways to address them, America Saves, managed by the Consumer Federation of America, was established 9 years ago as an annual nationwide campaign that encourages consumers, especially lower-income households, to enroll as American savers and establish a personal savings goal in an effort to build personal wealth and to enhance financial security. Nothing is more important than savings.

America Saves now has 53 local, State, and national campaigns working with over 500 mainstream financial institutions that provide no-fee or low-fee or low-opening-balance savings accounts that allow small savers to achieve great success. Government and nongovernment entities at the local, State, and national levels organize America Saves campaigns to encourage individuals to open savings accounts, to participate in workplace retirement programs, and to devise a good savings plan. As a result of America Saves, over 1,000 local, State, and national organizations have motivated more than 145,000 people to enroll as American savers.

I am very pleased that Federal agencies, States and localities, schools, nonprofit organizations, business and other entities, and the people of the United States of America observe the

fourth annual America Saves Week with a goal of increasing the savings rate for individuals of all ages and all walks of life.

So, Mr. Speaker, I want to take this opportunity to thank Chairman BARNEY FRANK and the staff of the Financial Services Committee for their assistance in bringing this important resolution to the floor, especially Rick Maurano and Tom Duncan.

I also want to express my sincere appreciation for all that my good friend, Congresswoman JUDY BIGGERT, has done. She has been at the forefront of literacy for many years. In terms of her entire service here in the Congress, JUDY BIGGERT has been in a leadership role on financial literacy and the importance of saving, and has worked over the years to help improve the financial literacy rate of all individuals across these United States at all stages of life. Mrs. JUDY BIGGERT certainly deserves our commendation. She and Congressman RUBEN HINOJOSA co-founded and currently cochair the Financial and Economic Literacy Caucus, of which I am a member.

Congressman HINOJOSA could not be with us here today because yesterday was the Texas primary. I am pleased to announce to all of us that he won his primary yesterday. So congratulations to Congressman HINOJOSA, and we are glad to move on and carry this torch in his stead today.

I also want to take this opportunity to thank Congresswoman BIGGERT's staff, Nicole Austin and Zach Cikanek, as well as Chris Crowe on Congresswoman EDDIE BERNICE JOHNSON's staff. The gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) has done an admirably job in pushing this legislation and she deserves to be commended for all of her hard work in this area, and what they all are doing, what we all are doing to help the financial and economic Literacy Caucus attain its goals. This is a tremendous bill for a tremendous purpose.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Georgia (Mr. SCOTT) for his kind words and all he does in the Financial Services Committee on this type of issue and for his management of this resolution.

I rise today to join not only Mr. SCOTT but also my good friend, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), in support of this year's resolution making the fourth annual America Saves Week. I am pleased to join Congresswoman JOHNSON as a cosponsor of the resolution, and I urge my colleagues to give it their full support.

Mr. Speaker, as most of my colleagues are aware, I have been working for some years now to make financial literacy a top priority both in the classroom and here on Capitol Hill. In 2005, I joined the gentleman from Texas (Mr. HINOJOSA), a cosponsor of today's

resolution, to form the Financial and Economic Literacy Caucus to help equip students and consumers with the tools that they need to prosper in today's sophisticated marketplace.

Since then, the term "financial literacy" has become an integral part of our legislative lexicon, especially as the need for financial literacy has become clearer than ever with more and more American families relying on depleted savings to weather this period of financial hardship. When it comes to preparing against economic uncertainty, recognizing deceptive practices, building credit, or making dozens of other day-to-day financial decisions, nothing protects consumers and their financial security more effectively than arming them, even as young students, with a sound foundation in financial literacy, and that lesson begins with saving.

Sixty percent of preteens do not even know the difference between cash, credit cards, and checks; and yet only 26 percent of students are actively learning financial literacy from their parents. It is little wonder why 10 million U.S. households remain completely unbanked or without access to standard financial tools like a savings account. And that is what makes initiatives like America Saves Week important. It represents a special opportunity for financial leaders, from the FDIC and the Federal Trade Commission to the University of Illinois and the JumpStart Coalition, to share important resources and lessons with future savers who may be able to ride out the next financial downturn, buy a home, or retire more comfortably thanks to the financial tools they gained access to today.

As the text of today's resolution suggests, the national savings rate has risen slightly as Americans spend more conservatively in the down economy. But as we recover, the next step must be to help families set goals, plan effectively, and invest wisely during those times when they are most able to build an economic buffer against future needs.

Mr. Speaker, I would like to take a brief moment here to urge my colleagues to consider joining the Financial and Economic Literacy Caucus, if they haven't already, by contacting either me or my distinguished cochairman, Mr. HINOJOSA.

As my colleagues are aware, just last week, the FTC teamed with our caucus to showcase consumer protection resources available to our constituents across America. Now we are getting ready for another exciting Financial Literacy Month, this April, with events and briefings to help Americans of all ages educate themselves on how to become more confident, savvy, and safe investors and consumers. I hope every Member will be able to find time to participate or send staff to learn more about how Members of Congress can help promote financial literacy in their own way.

And I would also like to take a moment to honor a departed colleague and friend, the late Congresswoman Stephanie Tubbs Jones. In previous years, she championed this resolution in the House and was a strong advocate for financial literacy through her career. I know that I am not alone in saying that her presence is missed here on the House floor.

Mr. Speaker, let me just say once again that I urge my colleagues to join Congresswoman JOHNSON, Congressman HINOJOSA, and me in supporting this resolution and sound saving habits during America Saves Week and throughout the year.

I reserve the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, it is my pleasure to introduce to you and yield to her such time as she may consume, the sponsor and author of this bill, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), who has put in just a tremendous amount of work on this effort. She is certainly to be commended for her hard work and dedication to this issue.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1082, supporting the goals and ideals of the fourth annual America Saves Week, which really runs from February 21 through February 28.

I want to take this opportunity to thank Chairman FRANK for his assistance in bringing this important and timely resolution to the floor. I also would like to thank Congressman HINOJOSA and Congresswoman BIGGERT and Congressman SCOTT for their tireless efforts for consumer protection and financial literacy.

America Saves was established 9 years ago as an annual nationwide campaign that encourages consumers, especially those in lower-income households, to increase their financial literacy, enroll as American savers, and establish a personal savings goal in an effort to build personal wealth and enhance financial security.

America Saves focuses on saving, a focus which creates a national culture of financial responsibility, which is incredibly important in these difficult economic times. I believe that a financially literate public is a key component to having a strong and robust economy. We really are only as rich as our poorest citizens.

Resolutions like America Saves promote broad-based financial literacy initiatives and are absolutely necessary for the well-being of our country. A recent survey done by the National Foundation for Credit Counseling has shown that only 42 percent of adults say they keep close track of their spending, and roughly 7 percent of the adult population, or about 16 million people, don't know how much they spend on food, housing, and entertainment.

Other statistics show even more distressing trends: 26 percent of the adults, or 58 million people, admit to

not paying all of their bills on time, and 6 percent of the households carry credit card debt of \$10,000 or more from month to month.

I am always surprised to hear statistics like this. It is alarming because they are very simple things that people can do to save money and lead more financially stable lives.

My father said to me when I was a little girl: Whatever you make, large or small, save some of it. That really started me with a little trend, so now for the last 40-plus years, I give a piggy bank to all newborns of my family and friends so that saving money becomes an institutionalized activity for small children.

□ 1730

And there is some good news; personal savings, as a percentage of disposable income, has risen from 1.2 percent in the first quarter of 2008 to 4.8 percent in the fourth quarter of 2009. And I might say, Mr. Speaker, that that is one of the reasons why the economy is not that great, because people are saving their money.

It is important to provide the public with education on financial matters and developing unbiased and successful financial literacy programs, and that will only increase in importance in the coming years. I hold very frequent summits and workshops on financial literacy with adults throughout the Dallas area, and our Dallas Independent School District has made it now a part of the curriculum. So I want to acknowledge and thank all the people involved.

Again, I would like to acknowledge former Congresswoman Stephanie Tubbs Jones, who worked hard to improve the overall economic situation for all those residing in the United States.

Mr. Speaker, I believe that together we can continue to make a difference and help empower people to take control of their financial lives. I thank you, I thank all of the people involved.

Mrs. BIGGERT. I reserve the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, I would like to yield 3 minutes to the distinguished gentleman from Indiana, Mr. ANDRE CARSON.

Mr. CARSON of Indiana. Thank you, Representative SCOTT.

Mr. Speaker, I come to the floor in support of House Resolution 1082, supporting the goals and ideals of the fourth annual America Saves Week.

The economy in the last couple of years has increased everyone's awareness of the need to take control of their personal finances. Rather than spending more than they have coming in, households are making a concerted effort to save.

Learning to be a disciplined saver is the key to building wealth. It really does not make a difference how much your paycheck is each month if you're not saving a portion of it for the future. Most importantly, we should be

able to teach our kids how to save. They should be able to understand the concept of money and investment in early childhood. This will prepare them to learn money management, especially as they grow older and begin to think about credit cards, car loans, and mortgages.

I also have legislation that will provide grants to programs and financial literacy education for young adults and families, as it is of utmost importance we begin the financial literacy learning process early in life. I applaud this resolution's core principles.

Mrs. BIGGERT. Mr. Speaker, having no further requests for time, I would just, in closing, say I urge my colleagues to support this resolution.

I yield back the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, having no further requests for time, I yield back the balance of my time, and I would urge a positive vote on this very, very important and timely legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 1082.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS REFORM ACT OF 2010

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2554) to reform the National Association of Registered Agents and Brokers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2554

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Association of Registered Agents and Brokers Reform Act of 2010".

#### SEC. 2. REESTABLISHMENT OF THE NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS.

(a) IN GENERAL.—Subtitle C of title III of the Gramm-Leach-Bliley Act (15 U.S.C. 6751 et seq.) is amended to read as follows:

##### "Subtitle C—National Association of Registered Agents and Brokers

#### "SEC. 321. NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS.

"(a) ESTABLISHMENT.—There is established the National Association of Registered Agents and Brokers (hereafter in this subtitle referred to as the 'Association').

"(b) STATUS.—The Association shall—

"(1) be a nonprofit corporation;

"(2) have succession until dissolved by an Act of Congress;

"(3) not be an agent or instrumentality of the United States Government; and

"(4) except as otherwise provided in this subtitle, be subject to, and have all the powers conferred upon a nonprofit corporation

by the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-301.01 et seq.).

**“SEC. 322. PURPOSE.**

“The purpose of the Association shall be to provide a mechanism through which licensing, continuing education, and other non-resident insurance producer qualification requirements and conditions can be adopted and applied on a multi-state basis (without affecting the laws, rules, and regulations pertaining to resident insurance producers or appointments or producing a net loss of producer licensing revenues to States), while preserving the right of States to license, supervise, discipline, and establish licensing fees for insurance producers, and to prescribe and enforce laws and regulations with regard to insurance-related consumer protection and unfair trade practices.

**“SEC. 323. MEMBERSHIP.**

**“(a) ELIGIBILITY.—**

“(1) IN GENERAL.—Any insurance producer licensed in its home State shall, subject to paragraphs (2) and (4), be eligible to become a member of the Association.

“(2) INELIGIBILITY FOR SUSPENSION OR REVOCATION OF LICENSE.—Subject to paragraph (3), an insurance producer is not eligible to become a member of the Association if a State insurance regulator has suspended or revoked such producer's license in that State during the 3-year period preceding the date on which such producer applies for membership.

“(3) RESUMPTION OF ELIGIBILITY.—Paragraph (2) shall cease to apply to any insurance producer if—

“(A) the State insurance regulator reissues or renews the license of such producer in the State in which the license was suspended or revoked; or

“(B) the suspension or revocation is subsequently overturned.

“(4) CRIMINAL BACKGROUND RECORD CHECK REQUIRED.—

“(A) IN GENERAL.—An insurance producer shall not be eligible to become a member of the Association unless the producer has undergone a national criminal background record check that complies with regulations prescribed by the Attorney General under subparagraph (L).

“(B) CRIMINAL BACKGROUND RECORD CHECK REQUESTED BY HOME STATE.—An insurance producer who is licensed in a State and who has undergone a national criminal background record check in compliance with such requirements as a condition for such licensure shall be deemed to have undergone a national criminal background record check for purposes of subparagraph (A).

“(C) CRIMINAL BACKGROUND RECORD CHECK REQUESTED BY ASSOCIATION.—

“(i) IN GENERAL.—The Association shall, upon request by an insurance producer licensed in a State, submit identification information obtained from such producer, and a request for a national criminal background record check of such producer, to the Federal Bureau of Investigation.

“(ii) BYLAWS OR RULES.—The board of directors of the Association shall prescribe bylaws or rules for obtaining and utilizing identification information and criminal history record information, including the establishment of reasonable fees required to perform a criminal background record check and appropriate safeguards for maintaining confidentiality and security of the information.

“(D) FORM OF REQUEST.—A submission under subparagraph (C)(i) shall include such identification information as required by the Attorney General concerning the person about whom the record is requested and a statement signed by the person authorizing the Association to obtain the information.

“(E) PROVISION OF INFORMATION BY ATTORNEY GENERAL.—Upon receiving a submission under subparagraph (C)(ii) from the Association, the Attorney General shall search all records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation that the Attorney General deems appropriate for criminal history records corresponding to the identification information provided under subparagraph (D) and provide all information contained in such records that pertains to the request to the Association.

“(F) LIMITATION ON PERMISSIBLE USES OF INFORMATION.—The Association may use information provided under subparagraph (E) only—

“(i) for purposes of determining compliance with membership criteria established by the Association;

“(ii) to disclose to State insurance regulators, or Federal or State law enforcement agencies, in conformance with applicable law.

“(G) APPLICANT ACCESS TO CRIMINAL HISTORY RECORDS.—Notwithstanding subparagraph (F), a producer shall have the right to obtain from the Association a copy of any criminal history record information concerning the producer that is provided to the Association under subparagraph (E).

“(H) PENALTY FOR IMPROPER USE OR DISCLOSURE.—Whoever knowingly uses any information provided under subparagraph (E) for a purpose not authorized in subparagraph (F), or discloses any such information to anyone not authorized to receive it, shall be fined under title 18, United States Code, imprisoned for not more than 2 years, or both.

“(I) RELIANCE ON INFORMATION.—Neither the Association nor any of its directors, officers, or employees shall be liable in any action for using information provided under subparagraph (E) as permitted under subparagraph (F) in good faith and in reasonable reliance on its accuracy.

“(J) FEES.—The Attorney General may charge a reasonable fee to defray the expense of conducting the search and providing the information under subparagraph (E), and any such fee shall be collected and remitted by the Association.

“(K) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

“(i) requiring a State insurance regulator to perform criminal background checks under this section; or

“(ii) limiting any other authority that allows access to criminal background records.

“(L) REGULATIONS.—The Attorney General shall prescribe regulations to carry out this paragraph, which shall include—

“(i) appropriate protections for ensuring the confidentiality of information provided under subparagraph (E); and

“(ii) procedures providing a reasonable opportunity for a producer to contest the accuracy of information regarding the producer provided under subparagraph (E).

“(M) INELIGIBILITY FOR MEMBERSHIP.—

“(i) IN GENERAL.—The Association may, under reasonably consistently applied standards, deny membership to an insurance producer on the basis of criminal history information provided under subparagraph (E).

“(ii) RIGHTS OF APPLICANTS DENIED MEMBERSHIP.—The Association shall notify any producer who is denied membership on the basis of criminal history record information provided under subparagraph (E) of the right of the producer to—

“(I) obtain a copy of all criminal history record information provided to the Association under subparagraph (E) with respect to the producer; and

“(II) challenge the accuracy and completeness of the information.

“(b) AUTHORITY TO ESTABLISH MEMBERSHIP CRITERIA.—The Association may establish membership criteria that—

“(1) bear a reasonable relationship to the purposes for which the Association was established; and

“(2) do not unfairly limit the access of smaller agencies to the Association membership, including imposing discriminatory membership fees on smaller insurance producers.

“(c) ESTABLISHMENT OF CLASSES AND CATEGORIES OF MEMBERSHIP.—

“(1) CLASSES OF MEMBERSHIP.—The Association may establish separate classes of membership, with separate criteria, if the Association reasonably determines that performance of different duties requires different levels of education, training, experience, or other qualifications.

“(2) CATEGORIES.—

“(A) SEPARATE CATEGORIES FOR PRODUCERS PERMITTED.—The Association may establish separate categories of membership for producers and for other persons within each class, based on the types of licensing categories that exist under State laws.

“(B) SEPARATE TREATMENT FOR DEPOSITORY INSTITUTIONS PROHIBITED.—No special categories of membership, and no distinct membership criteria, shall be established for members which are depository institutions or for employees, agents, or affiliates of depository institutions.

“(d) MEMBERSHIP CRITERIA.—

“(1) IN GENERAL.—The Association may establish criteria for membership which shall include standards for personal qualifications, education, training, and experience.

“(2) QUALIFICATIONS.—In establishing criteria under paragraph (1), the Association shall consider the NAIC Producer Licensing Model Act and the highest levels of insurance producer qualifications established under the licensing laws of the States.

“(3) ASSISTANCE FROM STATES.—

“(A) IN GENERAL.—The Association may request a State to provide assistance in investigating and evaluating a prospective member's eligibility for membership in the Association.

“(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as requiring or authorizing any State to adopt new or additional requirements concerning the licensing or evaluation of insurance producers.

“(4) DENIAL OF MEMBERSHIP.—The Association may, based on reasonably consistently applied standards, deny membership to any State-licensed insurance producer for failure to meet the membership criteria established by the Association.

“(e) EFFECT OF MEMBERSHIP.—

“(1) AUTHORITY OF ASSOCIATION MEMBERS.—Membership in the Association shall—

“(A) authorize an insurance producer to sell, solicit, negotiate, effect, procure, deliver, renew, continue, or bind insurance in any State for which the member pays the licensing fee set by such State for any line or lines of insurance specified in such producer's home State license, and exercise all such incidental powers, as shall be necessary to carry out such activities, including claims adjustments and settlement, risk management, employee benefits advice, retirement planning, and any other insurance-related consulting activities;

“(B) be the equivalent of a nonresident insurance producer license issued in any State where the member pays the licensing fee; and

“(C) subject an insurance producer to all laws, regulations, provisions or other action of any State concerning revocation or suspension of a member's ability to engage in any activity within the scope of authority granted under this subsection and to all

State laws, regulations, provisions and actions preserved under paragraph (5).

“(2) **DUPLICATIVE LICENSES.**—No State, other than the member's home State, may require an individual member to obtain a business entity license or membership in order to engage in any activity within the scope of authority granted in paragraph (1) or in order for the member or any employer, employee, or affiliate of the member to receive compensation for the member's performance of any such activity.

“(3) **AGENT FOR REMITTING FEES.**—The Association shall act as any member's agent for purposes of remitting licensing fees to any State pursuant to paragraph (1).

“(4) **REGULATOR NOTIFICATION.**—The Association shall notify the National Association of Insurance Commissioners (hereinafter in this subtitle referred to as the ‘NAIC’) or its designee when a producer becomes a member and identify, on an ongoing basis, the States in which the member is authorized to operate.

“(5) **PRESERVATION OF STATE CONSUMER PROTECTION AND MARKET CONDUCT REGULATION.**—No provision of this section shall be construed as altering or affecting the continuing effectiveness of any law, regulation, provision, or other action of any State which purports to regulate market conduct or unfair trade practices or establish consumer protections to the extent that such law, regulation, provision, or other action is not inconsistent with the provisions of this subtitle, and then only to the extent of such inconsistency.

“(f) **BIENNIAL RENEWAL.**—Membership in the Association shall be renewed on a biennial basis.

“(g) **CONTINUING EDUCATION.**—

“(1) **IN GENERAL.**—The Association shall establish, as a condition of membership, continuing education requirements which shall be comparable to the continuing education requirements under the licensing laws of a majority of the States.

“(2) **STATE CONTINUING EDUCATION REQUIREMENTS.**—A member may not be required to satisfy continuing education requirements imposed under the laws, regulations, provisions, or actions of any State other than such member's home State.

“(3) **RECIPROCITY.**—The Association shall not require a member to satisfy continuing education requirements that are equivalent to any continuing education requirements of the member's home State that have been satisfied by the member during the applicable licensing period.

“(4) **LIMITATION ON ASSOCIATION.**—The Association shall not directly or indirectly offer any continuing education courses for insurance producers.

“(h) **PROBATION, SUSPENSION AND REVOCATION.**—

“(1) **DISCIPLINARY ACTION.**—The Association may place an insurance producer that is a member of the Association on probation or suspend or revoke such producer's membership in the Association, as the Association determines to be appropriate, if—

“(A) the producer fails to meet the applicable membership criteria of the Association; or

“(B) the producer has been subject to disciplinary action pursuant to a final adjudicatory proceeding under the jurisdiction of a State insurance regulator.

“(2) **REPORTING TO STATE REGULATORS.**—The Association shall notify the NAIC or its designee when a producer's membership has been suspended, revoked, and otherwise terminated.

“(i) **CONSUMER COMPLAINTS.**—

“(1) **IN GENERAL.**—The Association shall—

“(A) receive and, when appropriate, investigate complaints from both consumers and

State insurance regulators related to members of the Association;

“(B) refer any proper complaint received in accordance with subparagraph (A) and make any related records and information available to the NAIC or its designee and to each State insurance regulator for the State of residence of the consumer who filed the complaint; and

“(C) refer, when appropriate, any such complaint to any additional appropriate State insurance regulator.

“(2) **TELEPHONE AND OTHER ACCESS.**—The Association shall maintain a toll-free telephone number for the purpose of this subsection and, as practicable, other alternative means of communication with consumers, such as an Internet web page.

#### “SEC. 324. BOARD OF DIRECTORS.

“(a) **ESTABLISHMENT.**—There is established the board of directors of the Association (hereafter in this subtitle referred to as the ‘Board’), which shall have authority to govern and supervise all activities of the Association.

“(b) **POWERS.**—The Board shall have such of the Association's powers and authority as may be specified in the bylaws of the Association.

“(c) **COMPOSITION.**—

“(1) **IN GENERAL.**—The Board shall consist of 11 members who shall be appointed by the President, by and with the advice and consent of the Senate, of whom—

“(A) 6 shall be State insurance commissioners appointed in the manner provided in paragraph (2),

“(B) 2 shall be representatives of property and casualty insurance producers,

“(C) 1 shall be a representative of life or health insurance producers,

“(D) 1 shall be a representative of property and casualty insurers, and

“(E) 1 shall be a representative of life or health insurers.

“(2) **STATE INSURANCE REGULATOR REPRESENTATIVES.**—

“(A) Before making any appointments pursuant to subparagraph (A) of paragraph (1), the President shall request a list of recommended candidates from the NAIC, which shall not be binding on the President. If the NAIC fails to submit list of recommendations within 15 days of the request, the President may make the requisite appointments without considering the views of the NAIC.

“(B) Not more than 3 members appointed to membership on the Board pursuant to subparagraph (A) of paragraph (1) shall belong to the same political party.

“(C) If fewer than 6 State insurance commissioners accept appointment to the Board, the President may appoint the remaining State insurance commissioner members of the Board from among individuals who are former State insurance commissioners, provided that any former insurance commissioner so appointed shall not be employed by or have a present direct or indirect financial interest in any insurer or other entity in the insurance industry other than direct or indirect ownership of, or beneficial interest in, an insurance policy or annuity contract written or sold by an insurer.

“(3) **PRIVATE SECTOR REPRESENTATIVES.**—In making any appointments pursuant to subparagraphs (B) through (E) of paragraph (1), the President may seek recommendations for candidates from national trade associations representing the category of individuals described, which shall not be binding on the President.

“(4) **STATE INSURANCE COMMISSIONER DEFINED.**—For purposes of this subsection, the term ‘State insurance commissioner’ means a person who serves in the position in State government, or on the board, commission, or

other body that is the principal insurance regulatory authority for the State.

“(d) **TERMS.**—

“(1) **IN GENERAL.**—The term of each Board member shall be for 2 years, except that—

“(A) the term of—

“(i) 3 of the State insurance commissioner members of the Board initially appointed under subparagraph (A) of paragraph (1),

“(ii) 1 of the property and casualty insurance producer members of the Board initially appointed under subparagraph (B) of paragraph (1), and

“(iii) 1 of the insurer representative members of the Board initially appointed under subparagraphs (D) and (E) of paragraph (1), shall be 1 year, as designated by the President at the time of the nomination of such members;

“(B) a member of the Board may continue to serve after the expiration of the term to which such member was appointed until a successor is qualified; and

“(C) any member of the Board appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

“(2) **SUCCESSIVE TERMS.**—Board members may be reappointed to successive terms.

“(e) **MEETINGS.**—

“(1) **IN GENERAL.**—The Board shall meet at the call of the chairperson, as requested in writing to the chairperson by at least four members of the Board, or as otherwise provided by the bylaws of the Association.

“(2) **QUORUM REQUIRED.**—A majority of directors shall constitute a quorum.

“(3) **VOTING.**—Decisions of the Board shall require the approval of a majority of all directors present at a meeting, a quorum being present.

#### “SEC. 325. OFFICERS.

“(a) **POSITIONS.**—The officers of the Association shall consist of a chairperson and a vice chairperson of the Board, an executive director, secretary, and treasurer of the Association, and such other officers and assistant officers as may be deemed necessary.

“(b) **MANNER OF SELECTION.**—Each officer of the Board and the Association shall be elected or appointed at such time, in such manner, and for such terms as may be prescribed in the bylaws of the Association.

#### “SEC. 326. BYLAWS, RULES, AND DISCIPLINARY ACTION.

“(a) **ADOPTION AND AMENDMENT OF BYLAWS.**—

“(1) **COPY REQUIRED TO BE FILED.**—The board of directors of the Association shall submit to the President and the NAIC any proposed bylaw or rules of the Association or any proposed amendment to the bylaws or rules, accompanied by a concise general statement of the basis and purpose of such proposal.

“(2) **EFFECTIVE DATE.**—Any proposed bylaw or rule or proposed amendment to the bylaws or rules shall take effect, after notice published in the Federal Register and opportunity for comment, upon such date as the Association may designate, unless suspended under subsection (c) of section 330.

“(b) **DISCIPLINARY ACTION BY THE ASSOCIATION.**—

“(1) **SPECIFICATION OF CHARGES.**—In any proceeding to determine whether membership shall be denied, suspended, revoked, or not renewed (hereafter in this section referred to as a ‘disciplinary action’) or to determine whether a member of the Association should be placed on probation, the Association shall bring specific charges, notify such member of such charges, give the member an opportunity to defend against the charges, and keep a record.

“(2) SUPPORTING STATEMENT.—A determination to take disciplinary action shall be supported by a statement setting forth—

“(A) any act or practice in which such member has been found to have been engaged;

“(B) the specific provision of this subtitle, the rules or regulations under this subtitle, or the rules of the Association which any such act or practice is deemed to violate; and

“(C) the sanction imposed and the reason for such sanction.

#### **“SEC. 327. POWERS.**

“In addition to all the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act, the Association shall have the following powers:

“(1) To establish and collect such membership fees as the Association finds necessary to impose to cover the costs of its operations.

“(2) To adopt, amend, and repeal bylaws and rules governing the conduct of Association business and performance of its duties.

“(3) To establish procedures for providing notice and opportunity for comment pursuant to section 326(a).

“(4) To enter into and perform such agreements as necessary to carry out its duties.

“(5) To hire employees, professionals or specialists, and elect or appoint officers, and to fix their compensation, define their duties and give them appropriate authority to carry out the purposes of this subtitle, and determine their qualification; and to establish the Association's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel.

“(6) To borrow money.

“(7) To secure funding from board member organizations and other industry associations for such amounts that the Association determines to be necessary and appropriate to organize and begin operations of the Association, which shall be treated as loans to be repaid by the Association with interest at market rate.

#### **“SEC. 328. REPORT BY ASSOCIATION.**

“(a) IN GENERAL.—As soon as practicable after the close of each fiscal year, the Association shall submit to the President and the NAIC a written report regarding the conduct of its business, and the exercise of the other rights and powers granted by this subtitle, during such fiscal year.

“(b) FINANCIAL STATEMENTS.—Each report submitted under subsection (a) with respect to any fiscal year shall include financial statements setting forth the financial position of the Association at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year.

#### **“SEC. 329. LIABILITY OF THE ASSOCIATION AND THE DIRECTORS, OFFICERS, AND EMPLOYEES OF THE ASSOCIATION.**

“(a) IN GENERAL.—The Association shall not be deemed to be an insurer or insurance producer within the meaning of any State law, rule, regulation, or order regulating or taxing insurers, insurance producers, or other entities engaged in the business of insurance, including provisions imposing premium taxes, regulating insurer solvency or financial condition, establishing guaranty funds and levying assessments, or requiring claims settlement practices.

“(b) LIABILITY OF DIRECTORS, OFFICERS, AND EMPLOYEES.—No director, officer, or employee of the Association shall be personally liable to any person for any action taken or omitted in good faith in any matter within the scope of their responsibilities in connection with the Association.

#### **“SEC. 330. PRESIDENTIAL OVERSIGHT.**

“(a) REMOVAL OF BOARD.—If the President determines that the Association is acting in

a manner contrary to the interests of the public or the purposes of this subtitle or has failed to perform its duties under this subtitle, the President may remove the entire existing Board for the remainder of the term to which the members of the Board were appointed and appoint, in accordance with section 324 and with the advice and consent of the Senate, new members to fill the vacancies on the Board for the remainder of such terms.

“(b) REMOVAL OF BOARD MEMBER.—The President may remove a member of the Board only for neglect of duty or malfeasance in office.

“(c) SUSPENSION OF RULES OR ACTIONS.—The President, or a person designated by the President for such purpose, may suspend the effectiveness of any rule, or prohibit any action, of the Association which the President or the designee determines is contrary to the purposes of this subtitle.

#### **“SEC. 331. RELATIONSHIP TO STATE LAW.**

“(a) PREEMPTION OF STATE LAWS.—State laws, regulations, provisions, or other actions purporting to regulate insurance producers shall be preempted to the extent provided in subsection (b).

“(b) PROHIBITED ACTIONS.—

“(1) IN GENERAL.—No State shall—

“(A) impede the activities of, take any action against, or apply any provision of law or regulation arbitrarily or discriminatorily to, any insurance producer because that insurance producer or any affiliate plans to become, has applied to become, or is a member of the Association;

“(B) impose any requirement upon a member of the Association that it pay fees different from those required to be paid to that State were it not a member of the Association;

“(C) impose any continuing education requirements on nonresident insurance producers; or

“(D) impose any licensing, registration, or appointment requirements upon any nonresident insurance producer that sells, solicits, negotiates, effects, procures, delivers, renews, continues, or binds insurance for commercial property and casualty risks to an insured with risks located in more than 1 State, if such nonresident insurance producer is otherwise licensed as an insurance producer in the State where the insured maintains its principal place of business and the contract of insurance insures risks located in that State.

“(2) STATES OTHER THAN A HOME STATE.—No State, other than a member's home State, shall—

“(A) impose any licensing, integrity, personal or corporate qualifications, education, training, experience, residency, continuing education, or bonding requirement upon a member of the Association that is different from the criteria for membership in the Association or renewal of such membership;

“(B) impose any requirement upon a member of the Association that it be licensed, registered, or otherwise qualified to do business or remain in good standing in such State, including any requirement that such insurance producer register as a foreign company with the secretary of state or equivalent State official; or

“(C) require that a member of the Association submit to a criminal history record check as a condition of doing business in such State.

#### **“SEC. 332. COORDINATION WITH OTHER REGULATORS.**

“(a) COORDINATION WITH STATE INSURANCE REGULATORS.—The Association may—

“(1) establish a central clearinghouse, or utilize the NAIC or any other appropriate entity as a central clearinghouse, through

which members of the Association may pursuant to section 323(e) disclose their intent to operate in 1 or more States and pay the licensing fees to the appropriate States; and

“(2) establish a national database for the collection of regulatory information concerning the activities of insurance producers or contract with the NAIC or any other entity to utilize such a database.

“(b) COORDINATION WITH THE FINANCIAL INDUSTRY REGULATORY AUTHORITY.—The Association shall coordinate with the Financial Industry Regulatory Authority in order to ease any administrative burdens that fall on persons that are members of both associations, consistent with the requirements of this subtitle and the Federal securities laws.

#### **“SEC. 333. RIGHT OF ACTION.**

“(a) RIGHT OF ACTION.—Any person aggrieved by a decision or action of the Association may, after reasonably exhausting available avenues for resolution within the Association, commence a civil action in an appropriate United States district court, and obtain all appropriate relief.

“(b) ASSOCIATION INTERPRETATIONS.—In any such action, the court shall give appropriate weight to the Association's interpretation of its bylaws and this subtitle.

#### **“SEC. 334. DEFINITIONS.**

“For purposes of this subtitle, the following definitions shall apply:

“(1) HOME STATE.—The term ‘home State’ means the State in which the insurance producer maintains its principal place of residence or business and is licensed to act as an insurance producer.

“(2) INSURANCE.—The term ‘insurance’ means any product, other than title insurance, defined or regulated as insurance by the appropriate State insurance regulatory authority.

“(3) INSURANCE PRODUCER.—The term ‘insurance producer’ means any insurance agent or broker, excess or surplus lines broker or agent, insurance consultant, limited insurance representative, and any other individual or entity that solicits, negotiates, effects, procures, delivers, renews, continues or binds policies of insurance or offers advice, counsel, opinions or services related to insurance.

“(4) STATE.—The term ‘State’ includes any State, the District of Columbia, any territory of the United States, and Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

“(5) STATE LAW.—

“(A) IN GENERAL.—The term ‘State law’ includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State.

“(B) LAWS APPLICABLE IN THE DISTRICT OF COLUMBIA.—A law of the United States applicable only to or within the District of Columbia shall be treated as a State law rather than a law of the United States.”

(b) CLERICAL AMENDMENT.—The table of contents for the Gramm-Leach-Bliley Act is amended by striking the items relating to subtitle C of title III and inserting the following new items:

“Subtitle C—National Association of Registered Agents and Brokers

“Sec. 321. National association of registered agents and brokers.

“Sec. 322. Purpose.

“Sec. 323. Membership.

“Sec. 324. Board of directors.

“Sec. 325. Officers.

“Sec. 326. Bylaws, rules, and disciplinary action.

“Sec. 327. Powers.

“Sec. 328. Report by association.

“Sec. 329. Liability of the association and the directors, officers, and employees of the association.



"Sec. 330. Presidential oversight.

"Sec. 331. Relationship to State law.

"Sec. 332. Coordination with other regulators.

"Sec. 333. Judicial review and enforcement.

"Sec. 334. Definitions."

### SEC. 3. COMPLIANCE PROVISION.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentleman from Texas (Mr. NEUGEBAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

#### GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with my fellow colleagues in bringing this important legislation to the floor for a vote today. This legislation is timely since the issue of insurance regulatory reform has remained crucial for some time now.

I am pleased to introduce H.R. 2554, the National Association of Registered Agents and Brokers Reform Act, with Congressman NEUGEBAUER to help guarantee adequate agent broker licensing as well as ensure increased competition. That is the important word in this, Mr. Speaker, "increased competition."

Insurance regulatory reform is an issue many involved agree requires action, and this bill is a good starting point for leveling the playing field for insurance agents and brokers. H.R. 2554 would simply establish the National Association of Registered Agents and Brokers to provide for nonresident insurance agent and broker licensing while preserving the rights of States to supervise and discipline insurance agents and brokers.

This legislation will benefit consumers through increased competition among agents and brokers, leading to greater consumer choice. This legislation is straightforward. Insurance agents and brokers who are licensed in good standing in their home States can apply for membership to the National Association of Registered Agents and Brokers, which we call NARAB. This will allow them to operate in multiple States. Membership will be voluntary

and will not affect the rights of a non-member producer under any State licensing.

This legislation will benefit policyholders by increasing marketplace competition and consumer choice by enabling insurance producers to more quickly and responsibly serve the needs of consumers. A private nonprofit NARAB entity consisting of State insurance regulators and marketplace representatives will serve as a portal for agents and brokers to obtain nonresident licenses in additional States. This is provided that they pay the required State nonresident licensing fees and that they meet the NARAB standard for membership.

This bill also would establish membership criteria which would include standards for personal qualifications, education, training, and experience. And further, member applicants would be required to undergo a national criminal background check.

This very important bill clarifies current State consumer protection, and market conduct regulation would be preserved. NARAB board members would include a narrow majority of State insurance regulators. All bylaws and reports of the association will be filed with the National Association of Insurance Commissioners. This legislation directs the NARAB board to consider utilizing the NAIC as the entity that the association will collaborate with on a central clearinghouse and a national database for regulatory information. NARAB would not be a part of nor would be required to report to any Federal agency, nor would it have any Federal regulatory power.

Congress endorsed this concept through its passage of the Gramm-Leach-Bliley Act in 1999, which would have created NARAB if a number of States did not reach a certain level of licensing reciprocity. At that time, enough reciprocity was provided to avoid the creation of NARAB, but it has become clear that follow-up legislation is necessary.

So my bill addresses market entry procedures only, and it would not impact the daily regulation of insurance. Insurance agents would still be subject to the consumer protection laws of each of the States. This legislation passed in the 110th Congress by a voice vote, but this version has some important improvements. Among these improvements, sections have been added to ensure that State regulators are notified when a producer becomes a NARAB member, becomes authorized to operate in new States, or a membership is suspended or revoked. Also, this version makes revisions concerning NARAB's board of directors to clarify certain provisions, namely, that the President would formally make the appointments, and references to private-sector trade associations are eliminated.

Again, I want to thank my Republican colleague, Congressman NEUGEBAUER, for his work on this legis-

lation. He has done an excellent job, and I have enjoyed working with him. I urge its passage in the House once again.

CONGRESS OF THE UNITED STATES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, March 2, 2010.

Hon. BARNEY FRANK,  
Chairman, Committee on Financial Services,  
House of Representatives,  
Washington, DC.

DEAR CHAIRMAN FRANK: This is to advise you that, as a result of your having consulted with us on provisions in H.R. 2554, the National Association of Registered Agents and Brokers Reform Act of 2009, that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agree to discharging our committee from further consideration of the bill in order that it may proceed without delay to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 2554 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward, so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, JR.,  
Chairman.

COMMITTEE ON FINANCIAL SERVICES,  
Washington, DC, March 2, 2010.

Hon. JOHN CONYERS,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS: Thank you for your letter concerning H.R. 2554, the "National Association of Registered Agents and Brokers Reform Act of 2009." This bill will be considered by the House shortly.

I want to confirm our mutual understanding with respect to the consideration of this bill. I acknowledge that portions of the bill fall within the jurisdiction of the Committee on the Judiciary and I appreciate your cooperation in moving the bill to the House floor expeditiously. I further agree that your decision to not to proceed with a markup on this bill will not prejudice the Committee on the Judiciary with respect to its prerogatives on this or similar legislation. I would support your request for an appropriate number of conferees in the event of a House-Senate conference.

I will include a copy of this letter and your response in the CONGRESSIONAL RECORD. Thank you again for your cooperation.

BARNEY FRANK,  
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Speaker, I rise today in support of H.R. 2554, and I also want to thank my colleague from Georgia (Mr. SCOTT) for his leadership on this legislation.

We introduced this legislation almost 1 year ago with strong bipartisan support. Mr. SCOTT has worked with the

House leadership to help get this bill to the floor today, and I certainly appreciate his efforts.

This bill sets up a private nonprofit insurance system that will help insurance agents and brokers do business across State lines more efficiently. Not only does this help reduce regulatory burden for agents, but it also helps consumers by giving them more choices.

At its core, this is really a small business bill. Most insurance agents and brokers are independent small businesses; they don't have a lot of employees. So when they have to file paperwork for multiple States in order to do business across State lines, that only adds more cost for their compliance. Under this bill, they can register with the new National Association of Registered Agents and Brokers, NARAB, and that will serve as a portal for them to be licensed more easily in other States.

In today's economy, this bill makes sense for small businesses. If a customer moves to another State but wants to keep his insurance agent that has worked for him for years, this bill will streamline the process for that agent to be licensed in other States. If a customer wants that agent's trust to help them with policies for an elderly parent that they are caring for who lives in another State, this bill also makes that feasible.

H.R. 2554 provides a way to streamline insurance agent licensing across State lines without creating a new government bureaucracy, with no cost to the taxpayers, with consistent consumer protections, and without new mandates on States. This bill empowers insurance agents and their customers without making the government bigger or more expensive.

The option for NARAB was first included in the 1999 Gramm-Leach-Bliley Act, but the bar was not set high enough. Congress realized that in 2008 when the House passed this legislation by voice vote. While the Senate did not take up the bill last time, my hope is that broad bipartisan support in the House again will move this much-needed bill forward.

We've had a lot of debate and discussion in the Financial Services Committee about the big picture for insurance regulation. There are a lot of perspectives on that issue. The good news about this bill, however, is that this is one insurance reform that we can all agree on.

I urge my colleagues to support this bill. It's good for small businesses, it's good for our community agents, and it's good for the customers that they serve.

I also again want to thank Mr. SCOTT for his cooperation and this bipartisan bill, and I urge my colleagues to support H.R. 2554.

I yield back the balance of my time.

Mr. SCOTT of Georgia. In closing, Mr. Speaker, let me again thank my colleague, Congressman NEUGEBAUER,

for his distinguished work on this. It has been a pleasure.

Again, as he articulated eloquently a few minutes ago, the two things that this bill really does is it helps American consumers by increasing competition in the marketplace—that is really what we need as we deal with the very topical issue of insurance. And it provides the American people, the American consumer, with choice. So competition and choice are certainly the great beneficiaries of this legislation.

I might add that our act has garnered support from both sides of the aisle. We have both Democrats and Republicans working together on this. Forty-eight of us are sponsors to this bill, and 27 of us belong to the Financial Services Committee, where we have done work on it.

□ 1745

This bill has the support of NAIC, as I said earlier. It shows that the State insurance regulators, themselves, believe that this type of legislation has needed reform. In addition, the Independent Insurance Agents and Brokers of America supports this bill. The National Association of Insurance and Financial Advisors supports the bill. The National Association of Mutual Insurance Companies, the Property Casualty Insurance Association of America, the Council of Insurance Agents and Brokers, as well as a number of individual insurance companies, all are in support of this bill.

I am proud to have had an opportunity to work with and to have brought this bill before the House. I ask, certainly, for favorable support.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 2554, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### AUTHORIZING USE OF EMANCIPATION HALL TO PRESENT CONGRESSIONAL GOLD MEDAL TO WOMEN AIRFORCE SERVICE PILOTS

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 239) authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to present the Congressional Gold Medal to the Women Airforce Service Pilots.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 239

*Resolved by the House of Representatives (the Senate concurring),*

#### SECTION 1. USE OF EMANCIPATION HALL FOR PRESENTATION OF CONGRESSIONAL GOLD MEDAL TO WOMEN AIRFORCE SERVICE PILOTS.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for a ceremony on March 10, 2010, to present the Congressional Gold Medal to the Women Airforce Service Pilots.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentlewoman from Florida (Ms. ROSELEHTINEN) each will control 20 minutes. The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks in the RECORD on this concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 239. As Chair of the House Armed Services Subcommittee on Military Personnel and as co-Chair of the Women's Caucus Task Force on Women in the Military and Veterans, I am privileged to recognize their service.

We are all familiar with the icon of Rosie the Riveter, working in war factories during World War II. Her motto was, "We can do it."

Well, the Women Airforce Service Pilots did it, too. Almost 70 years ago, they became pioneers for women's equality in the armed services. As civilian pilots under the direction of the U.S. Army Air Forces, flying noncombat missions from 1942 to 1944, they bravely stepped into service while their male counterparts were sent to combat.

The Women Airforce Service Pilots are referred to as the "WASP." Unlike many acronyms used in the military, this is an apt name. For like WASP, their work demanded a unique combination of feistiness and strength, underlined by loyalty to their fellow WASP and their country. They flew every type of military aircraft in every kind of mission except combat. They ferried aircraft from factories to military installations. They towed aerial targets, transported cargo, and served in training exercises.

There were 38 of them, roughly, 1,100 women who lost their lives during the war. There are only about 300 surviving WASP. I am astounded by their tenacity and by their bravery. Yet, despite that dedication, these women have encountered difficulties in being recognized for their service. The WASP corps only received full military status

for their service in 1977 after having their records kept secret in classified archival files for more than 35 years.

Next week, on March 10, we will honor their legacy as the first female aviators in American military history with the award of the Congressional Gold Medal. This is the highest civilian honor Congress can give, and it is both well deserved and, certainly, long overdue.

I was proud to have been a co-lead with Congresswoman ILEANA ROS-LEHTINEN on the bill awarding them this honor. It is wonderful to see this come to fruition.

Last year, the Union-Tribune in San Diego highlighted several of these women from my district, some of whom will be attending the ceremony next week. I look forward to meeting them, and I hope all of my colleagues will come and meet the WASP from their districts.

To quote Vivian Eddy, one of these intrepid women from my district, their desire to serve our country was "not so much to prove anything to anybody but just to fly."

This ceremony will be an illustrative example of our indebtedness to their fearless, selfless service. This group of unsung heroines demonstrates the courage of women in the past, the integrity with which women continue to serve today, and the enthusiasm of the young women who dream of serving this great Nation in the future.

I hope all of my colleagues will join me in thanking the WASP and their families by offering their support for this resolution.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Mississippi (Mr. HARPER) will control his 20 minutes.

There was no objection.

Mr. HARPER. Thank you, Mr. Speaker, and I yield myself such time as I may consume.

Today, I rise in support of this resolution, which will authorize the use of Emancipation Hall in the Capitol Visitor Center for an event recognizing the Women Airforce Service Pilots as recipients of the Congressional Gold Medal.

The WASP program, as it was known, was the first introduction of female pilots into the United States armed services. During World War II, these women flew noncombat missions in support of the United States military. WASP pilots numbered in the thousands during World War II, and each woman who served in this capacity freed up one of her male counterparts for combat services and other duties. Just as many women performed operational roles on domestic U.S. bases, these female pilots played a critical role in helping to mobilize servicemen for deployment to the European and Pacific theatres of war.

I am pleased that Congress is able to host this exceptional group of women

as they are honored for their contribution to our Nation. I hope my colleagues will join me both in thanking these women for their service to our Nation and in supporting this resolution.

I reserve the balance of my time.

Mrs. DAVIS of California. I yield 1 minute to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the gentlewoman from California and the gentlewoman from Florida for bringing this forward.

Mr. Speaker, I would just like to stand in recognition of these wonderful women who provided such an important role in this war.

I would also like to specifically acknowledge Debbie Holthouse from Boynton Beach, Florida. She resides in my congressional district, and she is going to be honoring her mother.

Her mother is Bette Nogard, who served as a pilot during World War II. Bette Nogard died without any veterans benefits even though she risked her life for our freedom. She was a true hero. I am proud that Congress will be honoring her as well as these other women. I look forward to seeing her here in Washington.

Mr. HARPER. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Florida, Representative ROS-LEHTINEN.

Ms. ROS-LEHTINEN. I thank my good friend for yielding.

Mr. Speaker, as the House author of legislation awarding the Congressional Gold Medal to the Women Airforce Service Pilots, WASP, I rise in strong support of today's resolution.

I would like to thank my wonderful friend from California, my colleague, my collaborator, Congresswoman SUSAN DAVIS of California, for her dedicated work in support of the WASP.

Today's bill authorizes the use of Emancipation Hall, a historic place for a historic group of ladies, for an event that will honor a most unique sisterhood of women pioneers. Next, Wednesday, March 10, Mr. Speaker, the United States Congress will present the Congressional Gold Medal to the surviving members of the Women Airforce Service Pilots, WASP. This award serves as a small token of our tremendous appreciation of the remarkable courage and sacrifice made by these women during the perilous times of World War II.

The WASP were the first women in history to fly America's military aircraft. Between the years of 1942 and 1944, these courageous women volunteered to fly noncombat missions so that every available male pilot could be deployed in combat. More than 25,000 women applied for the program, but only 1,830 qualified women pilots were accepted.

Unlike their male counterparts, women applicants were required to be qualified pilots before they could apply for the Army Air Forces' military flight training program. That's what it was called, it sounds odd to say. Al-

though 1,102 women earned their wings and went on to fly over 60 million miles for the Army Air Forces, equal to some 2,500 times around the globe, they never got the recognition that they deserved. Their performances were equal in every way to those of their male pilots. With the exception of direct combat missions, the WASP flew the same aircraft with the same missions as male pilots. Women pilots were used to tow targets for male pilots who were using live ammunition for searchlight missions, for chemical missions, engineering test flying, and for countless other exercises.

In 1944, the WASP were disbanded. Their service records were sealed and classified. By the time the war ended, 38 women pilots had lost their lives while flying for our country. Although they took the military oath and were promised military status, the WASP were never recognized as true military personnel. These 38 women who died in the service of our country during World War II were denied death benefits, including proper military funerals. Not even an American flag covered their coffins, and their survivors never received a single dime.

As a former WASP, Mary Alice Putnam Vandeventer noted in a recent letter, fellow WASP would circulate a "collection hat to make sure that a fallen sister pilot received a proper burial."

It was not until 1977, more than 30 years after the WASP had served, when another woman pioneer, Congresswoman Lindy Boggs, introduced legislation to grant the WASP veterans status. Now, more than 30 years from that important occasion, the United States Congress, on behalf of the American people, will present the WASP with the recognition they deserve and with the recognition, indeed, they have earned.

The WASP are true pioneers, whose examples paved the way for the Armed Forces to finally lift the ban on a woman attending military flight training in the 1970s.

□ 1800

Today, women in the military fly every type of aircraft, from F-15s to the space shuttle. My daughter-in-law, Lindsay Nelson, a Marine Corps pilot, is part of this lasting legacy of the WASP. Lindsay is a graduate of the United States Naval Academy. She served combat tours in Iraq and in Afghanistan, where she flew the F-18 fighter jet. I am so proud of Lindsay and of all of our servicewomen, past and present, who continue to inspire young women to achieve what was heretofore unimaginable.

Of the 1,102 WASP, less than 300 are still alive today, and they are residing in almost every State of our beautiful Union.

I have had the honor and the privilege of meeting WASP from my congressional area of south Florida. Last August, Mr. Speaker, I presented Frances Rohrer Sargent, Ruth Shafer

Fleisher and Helen Wyatt Snapp with framed, signed copies of the WASP Congressional Gold Medal legislation. I cannot tell you how delighted I am that Frances, Ruth, and Helen will be traveling to Washington next week, along with more than 170 of their fellow WASP.

Join me in paying homage to these trailblazers and true patriots who served our country without question and with no expectation of recognition or praise. I hope that all of our colleagues will join us next week to do so.

Mr. Speaker, I urge my colleagues to join me and my good friend from California, Mrs. DAVIS, in voting "yes" on this important recognition. We have taken a long time to recognize these brave pioneers, but that date has finally come, thanks to all of our Members.

Mrs. DAVIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. HARPER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I have no further speakers, but I certainly wanted to say, and I appreciate the wonderful words of my colleague, Ms. ROS-LEHTINEN, that we are finally having an opportunity to recognize these women in a way that we should have done a long time ago. But we are going to be recognizing the Women Air Force Service Pilots with a Congressional Gold Medal of Honor. I certainly hope our colleagues will join us on March 10 in Emancipation Hall for a very special day, I know, to see and hear from these women who were far more than trailblazers; they served their country and they did it courageously. We are very proud of them and want to let them know how much we care about that service.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 239.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### PERMITTING USE OF CAPITOL ROTUNDA FOR VICTIMS OF HOLOCAUST COMMEMORATION

Mr. KLEIN of Florida. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 236) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 236

*Resolved by the House of Representatives (the Senate concurring),*

#### SECTION 1. USE OF ROTUNDA FOR HOLOCAUST DAYS OF REMEMBRANCE CEREMONY.

The rotunda of the Capitol is authorized to be used on April 15, 2010, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore (Mr. LUJÁN). Pursuant to the rule, the gentleman from Florida (Mr. KLEIN) and the gentleman from Mississippi (Mr. HARPER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

#### GENERAL LEAVE

Mr. KLEIN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KLEIN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support H. Con. Res. 236, a resolution to allow the Capitol Rotunda to be used on April 15 for the purpose of the annual congressional ceremony to commemorate the Holocaust. The congressional commemoration of the Holocaust is a poignant reminder of the atrocities committed by the Nazis and the harrowing experiences of the survivors.

This year, we will be celebrating the heroism of those who liberated the Nazi death camps. The theme for this year's ceremony, *Stories of Freedom: What You Do Matters*, highlights the experience of Allied soldiers who risked their lives for the cause of freedom.

The stories of these soldiers that many of us have heard are inspiring. These soldiers confronted evil and physically saw despair in the eyes of every survivor they encountered. And these soldiers gave the survivors hope. The actions of these liberators changed the lives of the survivors and the course of human history.

Last year, on Veterans Day, I participated in a ceremony that honored American World War II veterans, including Dr. Bernard Metrick of Boca Raton, Florida, who helped liberate a subcamp of Buchenwald while serving in the 8th Armored Tank Division. Dr. Metrick will be joining me in Washington in April to participate in the Days of Remembrance. What Dr. Metrick did, what all of the Allied liberators did, mattered back then, and each and every one of us must learn from their lessons. What we do matters. And that is the message that this ceremony will inspire: What you do matters.

This is both our individual and collective responsibility. Never again can

we allow a Holocaust to occur on our watch. All my life, I personally have felt moved to spread the message of "Never Again." In the Florida Legislature when I served, I passed legislation to mandate Holocaust education in our Florida public schools so that students from all walks of lives and backgrounds could learn the lessons of the Holocaust.

Here in Congress in my capacity as cochair of the Congressional Task Force Against Anti-Semitism, I worked with my cochairman, Congressman MIKE PENCE of Indiana, to organize an annual visit to the U.S. Holocaust Memorial Museum for Members of Congress and their families. This is a unique form of Holocaust education, where the museum serves as a teaching tool to educate U.S. Representatives who have not been to the museum before about how the Holocaust is relevant to their lives and the lives of their constituents.

I am grateful to Speaker PELOSI for appointing me to serve on the U.S. Holocaust Memorial Commission with other Members of the House and Senate and other citizens around the United States, and I hope to advance the cause of Holocaust education in this new role.

I would also like to thank Chairman BRADY and Ranking Member LUNGREN for moving this resolution to the floor today. As a sponsor of this legislation and a member of the U.S. Holocaust Memorial Council, I would like to thank the other cosponsors of this legislation: Congresswoman GABRIELLE GIFFORDS of Arizona, Congressman STEVE LATOURETTE of Ohio, Congressman ERIC CANTOR of Virginia, and, of course, Congressman HENRY WAXMAN, who worked closely with me on this resolution.

I urge my colleagues to support this resolution, and I encourage my colleagues to attend the ceremony on April 15 in the Capitol Rotunda so that we may mourn those who perished and recognize those who sacrificed so much for freedom in the world.

Mr. Speaker, I reserve the balance of my time.

Mr. HARPER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of this very important resolution. Under Congress' direction, the United States Holocaust Memorial Museum has organized and annually led the National Days of Remembrance ceremony in the Capitol Rotunda. The theme chosen by the museum this year is *Stories of Freedom: What You Do Matters*.

What we do does matter, Mr. Speaker. On occasions like this, there aren't appropriate enough words to share on behalf of the millions of victims of the Holocaust. Yet we here today and those in the Rotunda next month will once again commemorate the lives taken and the lives that suffered due to the unspeakable brutality and evil of that dark moment in history.

Mr. Speaker, this year is the 65th anniversary of the liberation of the Nazi concentration camps. Sixty-five years have passed since the doors were opened and the inhumane was laid bare for human eyes.

Just as the theme this year is What You Do Matters, so it mattered what others did then. We think of those like Oskar Schindler, Dietrich Bonhoeffer, and so many others who did their part in this effort; heroic efforts, which forever mattered to the lives they saved and the truth they pursued, some to their own death.

Mr. Speaker, we too must do our part in this body and uphold the ideals upon which our Nation was founded. This ceremonial Days of Remembrance reminds us what happens when the rule of law and the commitment to ordered liberty upon which it rests are defiled. Let us also remember that this ceremony is not reflective of one event or one tragedy. We remember the entire scope of mankind's history and use it as a reminder that human life is precious, and that we must never allow a travesty like this to ever happen again.

Through this resolution and this commemoration, we remember the Night of Broken Glass, the Warsaw ghetto uprising, the methodical devouring and destruction of a whole continent, and the labor, concentration, and death camps as Auschwitz, Treblinka and Buchenwald, to name only a few. May our actions and may our remembrance honor the courage and bravery shown by the millions murdered only seven decades ago.

Mr. Speaker, just as our 34th President, General Eisenhower, made sure the things he had seen were not quickly forgotten, may this year's ceremony in the Capitol Rotunda be a solemn and fitting reminder of the victims of the Holocaust. I am pleased to support this bipartisan resolution, and encourage the support of my colleagues.

Mr. Speaker, I yield back the balance of my time.

Mr. KLEIN of Florida. Mr. Speaker, I would like to thank Mr. HARPER of Mississippi for his very supportive words and his heartfelt support of this important bipartisan resolution. I look forward to being at the event with you in the Rotunda.

Mr. Speaker, again, I just thank the Chamber for their support and look forward to the opportunity of again supporting this very important event in the Rotunda.

Mr. BRADY of Pennsylvania. Mr. Speaker, the resolution before us allows for the use of the rotunda of the Capitol for the annual commemoration of the victims of the Holocaust. The Holocaust is one of the most shameful and horrifying events of human history. As we stop to reflect on this heinous event, let it serve as a reminder that there is no room for prejudice, oppression and hatred. As Americans and world citizens, it is important that future generations be called upon to remember the atrocities of the Holocaust and the similarities in the hate crimes we see today.

Despite hatred, the human spirit is unwavering in the face of adversity. History has shown

us that in times of despair, humanity prevails and always, always looks towards a brighter future.

There is no better place than the United States Capitol rotunda to embody the reverence and dignity so deserved in honoring the victims of the Holocaust. The United States Capitol has stood as a symbol of freedom and liberty, and a symbol of hopes and dreams. It is important, Mr. Speaker, that as we recognize one of the most notable tragedies in human history, we honor the memory of those who died so senselessly and pledge anew to stop atrocities like genocide, from occurring again.

Mr. KLEIN of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 236.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### TRADEMARK TECHNICAL AND CONFORMING AMENDMENT ACT OF 2010

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2968) to make certain technical and conforming amendments to the Lanham Act.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2968

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Trademark Technical and Conforming Amendment Act of 2010."

#### SEC. 2. DEFINITION.

For purposes of this Act, the term "Trademark Act of 1946" means the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes" approved July 5, 1946 (commonly referred to as the "Lanham Act"; 15 U.S.C. 1051 et. seq.).

#### SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CERTIFICATES OF REGISTRATION.—Section 7 of the Trademark Act of 1946 (15 U.S.C. 1057) is amended—

(1) by inserting "United States" before "Patent and Trademark Office" each place that term appears;

(2) in subsection (b), by striking "registrant's" each place that appears and inserting "owner's";

(3) in subsection (e)—

(A) by striking "registrant" each place that term appears and inserting "owner"; and

(B) in the third sentence, by striking "or, if said certificate is lost or destroyed, upon a certified copy thereof"; and

(4) by amending subsection (g) to read as follows:

"(g) CORRECTION OF PATENT AND TRADEMARK OFFICE MISTAKE.—Whenever a material

mistake in a registration, incurred through the fault of the United States Patent and Trademark Office, is clearly disclosed by the records of the Office a certificate stating the fact and nature of such mistake shall be issued without charge and recorded and a printed copy thereof shall be attached to each printed copy of the registration and such corrected registration shall thereafter have the same effect as if the same had been originally issued in such corrected form, or in the discretion of the Director a new certificate of registration may be issued without charge. All certificates of correction heretofore issued in accordance with the rules of the United States Patent and Trademark Office and the registrations to which they are attached shall have the same force and effect as if such certificates and their issue had been specifically authorized by statute."

(b) INCONTESTABILITY OF RIGHT TO USE MARK UNDER CERTAIN CONDITIONS.—Section 15 of the Trademark Act of 1946 (15 U.S.C. 1065) is amended—

(1) by striking "right of the registrant" and inserting "right of the owner";

(2) by amending paragraph (1) to read as follows:

"(1) there has been no final decision adverse to the owner's claim of ownership of such mark for such goods or services, or to the owner's right to register the same or to keep the same on the register; and"; and

(3) in paragraph (2), by inserting "United States" before "Patent and Trademark Office".

(c) APPEAL TO COURTS.—Section 21 of the Trademark Act of 1946 (15 U.S.C. 1071) is amended—

(1) by inserting "United States" before "Patent and Trademark Office" each place that term appears;

(2) in subsection (a)(1), by inserting "or section 71" after "section 8"; and

(3) in subsection (b)(4), by striking "If there be" and inserting "If there are".

(d) CONFORMING REQUIREMENTS FOR AFFIDAVITS.—

(1) DURATION, AFFIDAVITS AND FEES.—Section 8 of the Trademark Act of 1946 (15 U.S.C. 1058) is amended to read as follows:

#### "SEC. 8. DURATION, AFFIDAVITS AND FEES.

"(a) TIME PERIODS FOR REQUIRED AFFIDAVITS.—Each registration shall remain in force for 10 years, except that the registration of any mark shall be canceled by the Director unless the owner of the registration files in the United States Patent and Trademark Office affidavits that meet the requirements of subsection (b), within the following time periods:

"(1) Within the 1-year period immediately preceding the expiration of 6 years following the date of registration under this Act or the date of the publication under section 12(c).

"(2) Within the 1-year period immediately preceding the expiration of 10 years following the date of registration, and each successive 10-year period following the date of registration.

"(3) The owner may file the affidavit required under this section within the 6-month grace period immediately following the expiration of the periods established in paragraphs (1) and (2), together with the fee described in subsection (b) and the additional grace period surcharge prescribed by the Director.

"(b) REQUIREMENTS FOR AFFIDAVIT.—The affidavit referred to in subsection (a) shall—

"(1)(A) state that the mark is in use in commerce;

"(B) set forth the goods and services recited in the registration on or in connection with which the mark is in use in commerce;

"(C) be accompanied by such number of specimens or facsimiles showing current use

of the mark in commerce as may be required by the Director; and

“(D) be accompanied by the fee prescribed by the Director; or

“(2)(A) set forth the goods and services recited in the registration on or in connection with which the mark is not in use in commerce;

“(B) include a showing that any nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark; and

“(C) be accompanied by the fee prescribed by the Director.

“(c) DEFICIENT AFFIDAVIT.—If any submission filed within the period set forth in subsection (a) is deficient, including that the affidavit was not filed in the name of the owner of the registration, the deficiency may be corrected after the statutory time period, within the time prescribed after notification of the deficiency. Such submission shall be accompanied by the additional deficiency surcharge prescribed by the Director.

“(d) NOTICE OF REQUIREMENT.—Special notice of the requirement for such affidavit shall be attached to each certificate of registration and notice of publication under section 12(c).

“(e) NOTIFICATION OF ACCEPTANCE OR REFUSAL.—The Director shall notify any owner who files any affidavit required by this section of the Director's acceptance or refusal thereof and, in the case of a refusal, the reasons therefor.

“(f) DESIGNATION OF RESIDENT FOR SERVICE OF PROCESS AND NOTICES.—If the owner is not domiciled in the United States, the owner may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the last designated address, or if the owner does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Director.”.

(2) AFFIDAVITS AND FEES.—Section 71 of the Trademark Act of 1946 (15 U.S.C. 1141k) is amended to read as follows:

**“SEC. 71. DURATION, AFFIDAVITS AND FEES.**

“(a) TIME PERIODS FOR REQUIRED AFFIDAVITS.—Each extension of protection for which a certificate has been issued under section 69 shall remain in force for the term of the international registration upon which it is based, except that the extension of protection of any mark shall be canceled by the Director unless the holder of the international registration files in the United States Patent and Trademark Office affidavits that meet the requirements of subsection (b), within the following time periods:

“(1) Within the 1-year period immediately preceding the expiration of 6 years following the date of issuance of the certificate of extension of protection.

“(2) Within the 1-year period immediately preceding the expiration of 10 years following the date of issuance of the certificate of extension of protection, and each successive 10-year period following the date of issuance of the certificate of extension of protection.

“(3) The holder may file the affidavit required under this section within a grace pe-

riod of 6 months after the end of the applicable time period established in paragraph (1) or (2), together with the fee described in subsection (b) and the additional grace period surcharge prescribed by the Director.

“(b) REQUIREMENTS FOR AFFIDAVIT.—The affidavit referred to in subsection (a) shall—

“(1)(A) state that the mark is in use in commerce;

“(B) set forth the goods and services recited in the extension of protection on or in connection with which the mark is in use in commerce;

“(C) be accompanied by such number of specimens or facsimiles showing current use of the mark in commerce as may be required by the Director; and

“(D) be accompanied by the fee prescribed by the Director; or

“(2)(A) set forth the goods and services recited in the extension of protection on or in connection with which the mark is not in use in commerce;

“(B) include a showing that any nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark; and

“(C) be accompanied by the fee prescribed by the Director.

“(c) DEFICIENT AFFIDAVIT.—If any submission filed within the period set forth in subsection (a) is deficient, including that the affidavit was not filed in the name of the holder of the international registration, the deficiency may be corrected after the statutory time period, within the time prescribed after notification of the deficiency. Such submission shall be accompanied by the additional deficiency surcharge prescribed by the Director.

“(d) NOTICE OF REQUIREMENT.—Special notice of the requirement for such affidavit shall be attached to each certificate of extension of protection.

“(e) NOTIFICATION OF ACCEPTANCE OR REFUSAL.—The Director shall notify the holder of the international registration who files any affidavit required by this section of the Director's acceptance or refusal thereof and, in the case of a refusal, the reasons therefor.

“(f) DESIGNATION OF RESIDENT FOR SERVICE OF PROCESS AND NOTICES.—If the holder of the international registration of the mark is not domiciled in the United States, the holder may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the last designated address, or if the holder does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Director.”.

**SEC. 4. STUDY AND REPORT.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Intellectual Property Enforcement Coordinator, shall study and report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on—

(1) the extent to which small businesses may be harmed by litigation tactics by corporations attempting to enforce trademark rights beyond a reasonable interpretation of the scope of the rights granted to the trademark owner; and

(2) the best use of Federal Government services to protect trademarks and prevent counterfeiting.

(b) RECOMMENDATIONS.—The study and report required under paragraph (1) shall also include any policy recommendations the Secretary of Commerce and the Intellectual Property Enforcement Coordinator deem appropriate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we seek to correct a technical and unintentional mistake in the trademark laws that could result in inadvertent abandonment for trademark owners who registered under our international agreement on trademarks, which is called the Madrid Protocol.

At the expiration of their trademark registration term, trademark owners are required to submit affidavits to the United States Patent and Trademark Office stating that they have continuously met the statutory requirements of use in commerce or, alternatively, excusable nonuse.

□ 1815

Such affidavits are essential to maintain current trademark registrations and to clear the register of inactive trademarks. However, due to a technical mistake in the Lanham Act, our trademark laws unintentionally prevent trademark owners who file these affidavits for registering extensions under the Madrid Protocol from having the same rights as other U.S. trademark owners. Compliance with regulations should not reduce the rights of trademark owners. Today, we will harmonize our laws with the Madrid Protocol so that this particular injustice no longer occurs.

Additionally, this legislation gives the Director of the USPTO discretion to allow applicants to correct good-faith and harmless errors that otherwise would have severe and unreasonable intellectual property ramifications. The Intellectual Property Organization and the American Intellectual Property Law Association both support this legislation. In their letter in support of this bill, the American Intellectual Property Law Association stated that this bill is, “a highly desirable amendment to the Trademark Act,” and refers to this legislation as a



“cure” for specific technical inconsistencies for trademark owners.

However, the bill is not perfect. It includes a study provision regarding alleged trademark lawsuit abuse and small businesses. While we don’t want to delay the necessary relief to the trademark owner that this bill will provide by immediate passage of S. 2968, the ranking member and I are committed to working with Senator LEAHY to refine the text of this study provision at our soonest opportunity.

It is time to finally give our trademark owners who register under the Madrid Protocol the rights they should have had originally. This legislative update accomplishes just that, and bolsters the rights of all U.S. trademark owners.

I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I rise in support of S. 2968, and recognize myself for such time as I may consume.

This legislation, Mr. Speaker, makes technical but important revisions to the Madrid Protocol Implementation Act, which Congress passed in 2002. The Act is one of the most significant legislative accomplishments in the trademark realm in the past 15 years.

By way of background, the United States is a signatory to the Madrid Protocol, an international treaty that allows a trademark owner to seek registration in any of the countries that joined the Protocol. This means an American trademark owner pays the Patent and Trademark Office in Alexandria, Virginia, a nominal fee to expedite the necessary paperwork overseas. This process makes it easier and less expensive for U.S. trademark owners to acquire protection for their intellectual property in other countries.

The 2002 Act that implements the Protocol has functioned well through the years, but must be updated. The main purpose of the bill is to bring provisions for maintaining extensions of protection under Madrid in conformity with provisions for maintaining registrations. Maintenance filings with the PTO by the trademark owner are necessary to perpetuate protection on the trademark. This bill also authorizes the PTO Director to permit applicants to correct good-faith and harmless errors.

Finally, Mr. Speaker, the legislation includes a study provision that was inserted at the behest of the other body. It directs the Intellectual Property Enforcement Coordinator and the Department of Commerce to evaluate and report on treatment of smaller businesses involved in trademark litigation. Along with Chairman CONYERS and the chairman of the subcommittee, the distinguished gentleman from Georgia, I believe the study text could be clarified further. I’m happy to report that Senator LEAHY has agreed to work with us on making the necessary minor revisions to improve the language. We intend to move this language at a later date on a different vehicle. We just don’t want to delay fur-

ther consideration of S. 2968 by requiring the other body to pass the bill for a second time.

In closing, I urge the Members to support S. 2968.

I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, S. 2968.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### COMMENDING CALIFORNIA STATE UNIVERSITY SYSTEM

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1117) commending and congratulating the California State University system on the occasion of its 50th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1117

Whereas the California State University system will be celebrating its 50th anniversary during 2010 and 2011;

Whereas the individual California State Colleges were brought together as a system by the Donahoe Higher Education Act of 1960 of the State of California;

Whereas, in 1972, the system became the California State University and Colleges, in 1982, the system became the California State University (CSU), and today the 23 campuses of the CSU include comprehensive and polytechnic universities and, since July 1995, the California Maritime Academy, a specialized campus;

Whereas the system’s oldest campus—San Jose State University—was founded in 1857 and became the first institution of public higher education in California, while the system’s newest campus—California State University, Channel Islands—opened in the fall of 2002;

Whereas today the CSU is the Nation’s largest and most diverse university system, with 23 campuses and 7 off-campus centers, almost 433,000 students, and 44,000 faculty and staff;

Whereas the CSU draws its students from the top third of California’s high school graduates and is the State’s primary undergraduate teaching institution;

Whereas each CSU campus—California State University Bakersfield, California State University Channel Islands, California State University Chico, California State University Dominguez Hills, California State University East Bay, California State University Fresno, California State University Fullerton, Humboldt State University, California State University Long Beach, California State University Los Angeles, California Maritime Academy, California State University Monterey Bay, California State University Northridge, California State Polytechnic University, Pomona, California State University Sacramento, California State University San Bernardino, San Diego State University, San Francisco State University, San Jose State University, Cali-

fornia Polytechnic State University, San Luis Obispo, California State University San Marcos, Sonoma State University, California State University Stanislaus—has its own identity, but all share the same mission—to provide high-quality, affordable higher education to meet the changing workforce needs of California;

Whereas with 91,000 annual graduates, the CSU is California’s greatest producer of bachelor’s degrees and drives California’s economy in information technology, life sciences, agriculture, business, education, international trade, public administration, hospitality, engineering, entertainment, and multimedia industries;

Whereas the CSU reaches out to California’s growing, underserved communities, providing more than half of all undergraduate degrees granted to California’s Latino, African-American, and Native American students, and offering affordable opportunities to pursue and attain a college degree;

Whereas the CSU is noted for pioneering outreach efforts, including starting the Early Assessment Program (which enables 11th graders to assess their college readiness in English and math) and the Educational Opportunity Program (an access and retention program that supports low-income, educationally disadvantaged students, many of whom are first-generation college students), distributing millions of “How To Get to College Posters” in multiple languages, hosting Super Sunday events at churches throughout the State as part of its African-American initiative, partnering with the Parent Institute for Quality Education (PIQE), which helps strengthen parent involvement in elementary and middle school students’ education, and actively engaging in the State’s Troops to College efforts on behalf of veterans;

Whereas the CSU offers more than 1,800 bachelor’s and master’s degree programs in some 357 subject areas, as well as teaching credential programs and its own independent education doctorate program;

Whereas the CSU has awarded nearly 2,500,000 bachelor’s, master’s and joint doctoral degrees since 1961;

Whereas the CSU’s renowned faculty members are well known for their teaching skills as well as their significant contributions to research, CSU staff and administrators provide the vital infrastructure to fulfill the CSU mission, and faculty and staff together have made the CSU a leader in high-quality, accessible, student-focused higher education;

Whereas CSU students participate in 32,000,000 hours of community service annually at more than 3,560 community sites, including tutoring children and adults in English as a second language, working in hospitals and community health clinics, teaching computer literacy, cleaning up rivers and beaches, serving meals to the homeless, and building houses;

Whereas the CSU returns \$4.41 for every \$1 the State invests, the CSU sustains more than 200,000 jobs in the State, and CSU-related expenditures create \$13,600,000,000 in economic activity;

Whereas the CSU has more than 2,000,000 alumni, representing one in 10 members of California’s workforce and the majority of the State’s teachers;

Whereas the California State University has dedicated itself to helping foster improvement in the educational, economic, and cultural life of California;

Whereas the Chancellor and the Board of Trustees have led the CSU during extremely difficult economic times that have caused the CSU to cut admission rates and raise costs, as they have launched initiatives to increase the system’s graduation rates and

help underrepresented students complete college; and

Whereas the California State University is developing not only college graduates, but responsible citizens and leaders for California and the Nation: Now, therefore, be it

*Resolved*, That the House of Representatives commends and congratulates the California State University system on the occasion of its 50th anniversary.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1117 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 1117, authored by Congresswoman ZOE LOFGREN, a bill that celebrates California State University, CSU, for 50 years of service and leadership. In 1960, California developed its master plan for higher education. Since that time, this plan has provided access to higher education for the State's diverse array of students. In that same year, Mr. Speaker, with the passage of the Donahue Higher Education Act, California's individual State colleges were brought together to form the esteemed CSU system.

Since its inception, California State University has grown into an exemplary set of higher education institutions. The CSU boasts 23 campuses, seven off-campus centers, and over 433,000 students. In addition, the system maintains 44,000 faculty and staff, offering 1,800 bachelors and master's degree programs in some 357 subject areas, making it the largest and most diverse university system in the United States.

Each campus in the CSU system provides its own unique experience and enrolls a diverse set of students. CSU attracts the best and brightest students the great State of California produces. These students are not only leaders inside the classroom, but they also lead in service to their communities. Annually, CSU students participate in over 32 million hours of community service, providing an economic impact of over \$634 million to a multitude of California neighborhoods.

Under the current leadership of Dr. Charles Reed and the Board of Trustees, the California State University system remains dedicated to providing access to all students, regardless of financial need. I applaud this continued commitment, particularly in this time of economic turmoil. Many representatives of the CSU system are visiting with us today, including Dr. Charles

Reed and Dr. Ruben Arminana, who is the president of Sonoma State University in my district. Mr. Speaker, we owe them a great deal of thanks for their amazing work and for their support of California's students.

Mr. Speaker, once again, I express my support of the California State University system. I thank Representative LOFGREN for bringing this bill forward.

I reserve the balance of my time.

Mr. ROE of Tennessee. I yield myself such time as I may consume.

I rise today in support of House Resolution 1117, commending and congratulating the California State University system on the occasion of its 50th anniversary. The Weekly Normal School, today San Jose State University, became the first institution of higher education established by the State of California in 1862. The California State University system was established in 1960 as the California State College system.

Today, the system is comprised of 23 campuses, with almost 433,000 students and 44,000 faculty and staff. Cal State's campuses stretch from Humboldt in northern California to San Diego. It is the Nation's largest and one of the most affordable university systems. The California State University system offers more than 1,800 degree programs in 357 different subjects. CSU draws its students from the top two-thirds of California's high school students and graduates 91,000 students annually.

The CSU system prepares approximately 60 percent of the teachers in the State, 40 percent of the engineering graduates, and more graduates in business, agriculture, communications, health education, and public administration than any other college or university in California. The California State University system undoubtedly makes an invaluable contribution to the education of the people of California and the Nation.

California State University also makes significant outreach efforts to inform and promote college attendance to middle and high school students, minority populations, and veterans. CSU's outreach to growing and underserved communities also provides a pathway for students from diverse backgrounds to pursue an education.

I am pleased to congratulate CSU on the 50th anniversary of the University system's founding. I extend my congratulations to the California State University system, all the alumni, students, faculty, and staff at each of the 23 campuses, and to the people of California. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I'm delighted to recognize for such time as she may consume the sponsor of H. Res. 1117, the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. I want to thank Ms. WOOLSEY from California, a cosponsor and great supporter of this resolution and of education in California.

Mr. Speaker, I rise today as the proud sponsor of the resolution congratulating the California State University system on 50 years of providing high-quality, accessible, and affordable education. I want to thank my colleague, WALLY HERGER, for introducing this resolution with me. As has been mentioned, the CSU system is the Nation's largest and most diverse university system. It includes 23 campuses and seven off-campus centers, with 44,000 faculty and staff and almost 433,000 students.

The California State University system was created in 1961 under the master plan, about 50 years ago, but San Jose State University preceded it. San Jose State University is the oldest university in the system. It's in my district, and it's in my neighborhood. It was founded in 1857 in the basement of a high school in the Bay area. That first class had four graduates, all women, and San Jose State has obviously grown since that time. It's based in the heart of what is now Silicon Valley. San Jose State now is the single largest provider of engineers in Silicon Valley. The university sits on a 154-acre campus in downtown San Jose and has over 30,000 diverse students. It is ranked by U.S. News and World Report as a top 15 master's level public institution in the West.

San Jose State's population, like many of the other CSU campuses, is a representation of the diverse community that it serves. Many of its students are from immigrant families and are the first in their families to attend or graduate from college. San Jose State University is also redefining what a traditional student is, as over a quarter of the undergraduates at the university are over the age of 24.

□ 1830

Surrounded by Silicon Valley, students are able to supplement their classroom knowledge with hands-on experiences at many of the innovative firms and agencies in the Valley through internships, summer programs, and research assistance.

All of the CSUs, including San Jose State, play a critical role in preparing students for California's economy. With 91,000 annual graduates, the CSU is the State's greatest producer of bachelor's degrees. These students then help drive California's economy. And according to CSU, for every \$1 the State invests into the CSU system, the CSU returns \$4.41. CSU sustains more than 200,000 jobs in the State. And CSU-related expenditures create \$13.6 billion in economic activity.

Often referred to as the "People's University," CSU reaches out to California's growing underserved communities. CSU provides more than half of all undergraduate degrees granted to California's Latino, African American, and Native American students. In fact, the Chancellor, Dr. Charles Reed, is here with us today and told us at our delegation meeting today about the

outreach efforts into African American churches on Sunday to tell families, 100,000 families in California about the opportunity that CSU presents to those families. Minority enrollments and graduation and success is up among Latino families, among African American families, among families who didn't really see a way for their kids to move forward.

We know that there have been cutbacks, but the California delegation and President Obama have worked to preserve and improve affordability. Almost 190,000 CSU students will pay no fee increases due to increases in the State University Grants, Federal grants, and CSU fee waivers. So the Recovery Act has provided millions of needed dollars to the CSU. It has provided an additional \$81 million for 120,000 of CSU's neediest students through the Pell Grant program. It also provided \$76.5 million to restore classrooms that would have been cut so that students can graduate in 4 years.

Mr. Speaker, I gave the commencement speech at San Jose State last year. And as I looked out over the student body, I saw thousands of young people, and some not so young, who had a dream, whose family never thought that their kids would have a chance to get an education and bite off a part of the American dream. Because of the CSU system, they are really part of our future.

I am really thrilled to be part of honoring CSU, and also noting that the entire California Democratic delegation has cosponsored this resolution. I thank my colleague for allowing me to speak, and I urge passage of the resolution.

Mr. ROE of Tennessee. Mr. Speaker, just one comment.

There are a lot of things about our education system in America that is not right. And we deal with it every day. We had the Secretary in front of our committee this afternoon. But one of the things that is right is the higher education system in America. And I will tell you that without a system like California's, I wouldn't be standing here today. I was given an opportunity to succeed. And I know so many students in California that don't have the opportunity because of cost to attend a private university, get a great education in that system. And not only is the State of California better, America is better because of this. I would urge my colleagues to support this. I once again congratulate the CSU system.

I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I would like to thank the gentleman from Tennessee for his remarks. If you were educated in California, look at who you are. Thank you.

Mr. Speaker, I am pleased to recognize for 2 minutes the gentlewoman from California (Ms. CHU), a member of the Education and Labor Committee.

Ms. CHU. Mr. Speaker, I rise today to honor California State University on

its 50th anniversary. The CSU system is a model for States across the country. With 23 campuses, 430,000 students, and 44,000 faculty and staff, it is the largest and most diverse university system in the Nation.

In fact, California State University Los Angeles is located right in my district and has been educating students for over 50 years. I once taught there, and I know firsthand that this is one of the most affordable and diverse Cal State universities in the state, if not the Nation.

Since most Cal State LA students come from families with incomes under \$50,000, this university plays a critical role in making it possible for every student to attain their dream of a college education. Many of these students go on to successful careers in high demand fields such as nursing, IT, and the life sciences, and help make up the backbone of the workforce in Los Angeles County.

I commend California State University Los Angeles and the entire CSU system for serving California so well for over half a century.

Ms. WOOLSEY. Mr. Speaker, with that, I urge my colleagues to support H. Res. 1117, which celebrates the California State University system for 50 years of service and leadership, and to thank Representative LOFGREN for introducing this very meaningful piece of legislation.

Ms. LEE of California. Mr. Speaker, I rise in support of House Resolution 1117 to applaud and honor the California State University system on the occasion of its 50th anniversary.

Achieving equal access to education has always been one of my top legislative priorities and I am proud to recognize the California State University's leadership in providing high-quality, accessible, student-focused higher education to the people of California and our nation.

The growth of the California State University System over the past 50 years provides an extraordinary example of the great success that can come to institutions that prioritize equity and excellence. With 23 campuses, over 430,000 students, and 44,000 faculty and staff, the California State University System is the largest, the most diverse, and one of the most affordable university systems in the country.

The California State University has a significant impact not only on the regions immediately surrounding CSU's 23 campuses, but on the state as a whole. Because many CSU students remain in-state after graduation, California greatly benefits from the skills and knowledge of CSU alumni. With 91,000 annual graduates, the California State University is California's highest producer of bachelor's degrees and helps drive California's economy in fields such as information technology, business, and education.

Additionally, CSU students perform 32 million hours of community service annually, equating to an economic impact of \$624 million. CSU's community service efforts have not gone unnoticed, as 16 CSU campuses were rightly named to the 2008 President's Higher Education Community Service Honor roll in recognition for their innovative and effective

community service and service-learning programs.

As the Chair of the Congressional Black Caucus, I am particularly proud to say that CSU provides more than half of all undergraduate degrees granted to California's Latino, African American and Native American students. Additionally, as part of its African American Initiative, CSU has partnered with churches throughout California to bring awareness to students, parents and families about the importance of early preparation for college. Clearly, CSU is committed to providing an excellent education to all of California's students.

In this challenging economic climate, the relevancy of the California State University is becoming ever more apparent. The CSU deserves continued support in its vital role in the growth and development of California's communities and economy. The California State University offers unlimited opportunities to help students of all backgrounds achieve their goals, and I am proud to join my colleagues in celebrating the achievements of this extraordinary institution.

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased to join my colleagues from the California congressional delegation today to recognize the 50th anniversary of the California State University system.

The state's individual State Colleges were incorporated into what is today known as the California State University system by the Donahoe Higher Education Act of 1960, designed as part of the California Master Plan for Higher Education to meet the future needs of a growing state. That bill was authored by my father, George Miller, Jr., who served in the State Senate for many years.

Today, the campuses of the Cal State system can be found throughout California, and they make up the country's largest and most diverse university system. In my district's backyard, CSU East Bay is providing opportunities for young people from around the Bay Area, preparing them for the future.

I am pleased to recognize the 50th anniversary of the California State University system, and I look forward to working with the CSU system and others in California and across the country to make college more affordable and accessible for students today and for generations to come.

Mr. HONDA. Mr. Speaker, I rise today to congratulate the California State University on its 50th anniversary. I am a proud alumnus of the CSU system—I earned my bachelor's degrees in biological sciences and Spanish, and my master's degree in education from San Jose State University. The California State University, the largest state university system in the nation, plays a significant role in California's success, with graduates numbering one in every ten members of California's workforce. The California State University is also on the forefront of ensuring the opportunity to receive a quality college education for the state's increasingly diverse population. With 23 distinct campuses, from my alma mater in San Jose to CSU Long Beach and the California Maritime Academy in Vallejo, the CSU system brings higher education to a diverse student body of nearly 400,000 students every year. In 2002–03, more than half of all undergraduate degrees granted to Latino, African American and Native American students in California were awarded by the CSU.

The impact of the CSU far exceeds the number of students it educates. The CSU provides more than 200,000 jobs for Californians, and research by CSU faculty and staff is solving critical problems for the state and creating innovative solutions for business and industry. Additionally, CSU students give back to their communities by participating in 32 million hours of service annually.

In conclusion, Mr. Speaker, it is with great pride that I rise today to commend the California State University system on 50 years of not only providing high-quality, affordable higher education to meet the changing workforce needs of California, but also preparing students to become engaged members of their community, state and nation.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H. Res. 1117 and to personally congratulate the California State University system on its 50th anniversary. As a Californian, I am proud to commemorate this wonderful occasion.

California is honored to be home to 23 world-class universities in the California State University (CSU) system. As the largest university system in the country, CSU serves nearly 433,000 students annually and provides jobs to almost 44,000 faculty and staff.

I am privileged to represent the students and faculty of two of these outstanding institutions—California State University Channel Islands and California Polytechnic State University, San Luis Obispo (Cal Poly). As the newest California State University, students at CSU Channel Islands benefit from top notch classroom instruction, up-to-date technology and successful local business partnerships that provide a pathway to a well-rounded education. As a nationally ranked university, Cal Poly San Luis Obispo has become a proven leader in engineering, architecture, and agriculture.

During these tough economic times, the CSU system is critical to ensuring our nation's long-term economic prosperity. As the most diverse and affordable system in the country, CSU provides us with a future robust workforce. These graduates will play a vital role in the growth and development of the economy and our local communities in California and across the nation.

I urge my colleagues to pass H. Res. 1117 and commemorate this wonderful achievement.

Mr. GARAMENDI. Mr. Speaker, 50 years ago today, the State of California made a decision that would alter the course of a nation. By establishing the California State University system to work in conjunction with the University of California and California's community colleges, our state's forward thinking policymakers declared that California would be a state where higher education was the birthright of every qualified resident.

Since then, CSU has awarded nearly 2.5 million degrees, about 90,000 annually. Because leaders in California's past had the vision of what a better California could look like, the Golden State has become the world's great innovator in computers, biotechnology, space exploration, and clean technology.

The history of human civilization is replete with examples of great societies that fell into decline when they no longer prioritized education. We know that CSU returns \$4.41 for every dollar the state invests in it, and CSU creates \$13.6 billion in economic activity.

What will happen to us if we continue to systematically defund the 23 CSU campuses that produce our future teachers, nurses, and engineers? What will happen to California if our leaders fail to recognize the fierce urgency of now?

I was proud to serve as a California State University trustee, and it was saddening to witness almost yearly increases in student fees. I never voted for an undergraduate student fee increase—essentially a tax on students—because when we tell qualified students that we can't afford to give them the education they deserve, we don't just harm the individual. When we tell more than 40,000 qualified students that they are no longer welcome to an education in California, as we did in 2009, we are really saying that California is no longer prepared to be a leader in our global economy.

Today is a day for celebration. CSU has been a pillar of growth for California for 50 years, and I congratulate all the administrators, faculty, staff, and students that have made it a success. But today must also be a call to action. We must unite to say it's time to increase investment in education and California's future.

Ms. WOOLSEY. I yield back the balance of my time.

The SPEAKER pro tempore. The gentlewoman yields back the balance of her time.

The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1117.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### CONGRATULATING THE 482ND FIGHTER WING

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise tonight to congratulate Homestead's Air Reserve Base 482nd Fighter Wing for receiving the Department of Defense Reserve Family Readiness Award. Through the vigilance of these brave men and women in uniform every day, Americans can live with a greater peace of mind. The safety of our families is dependent on them. And it is heartwarming to know that our military families are given the extra support that they need.

The strong leadership of Wing Commander BG William B. Binger has made this distinction possible. He serves as an inspiration and motivation for such a remarkable unit and support personnel.

Again, congratulations to the 482nd Fighter Wing of the Homestead Air Reserve Base for this well-deserved honor. Congratulations, ladies and gentlemen.

#### REMEMBERING PENNSYLVANIA STATE TROOPER PAUL G. RICHEY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, it is with a heavy heart that I rise today and speak of the death of Pennsylvania State Trooper Paul G. Richey. On January 13, Richey responded to a domestic dispute call. He volunteered because he had taken a call at that residence outside Oil City, Pennsylvania, in the past. This time he was shot in the neck as he stepped out of his car, and never had the time to react. In the residence, the shooter killed his wife and then himself.

Richey was a native of Venango County, born and reared in Sandy Creek Township, and a graduate of Franklin High School. He graduated from Edinboro University with a degree in criminology, and then from the Pennsylvania State Police Academy. He was married to Carrie Cornell for more than 15 years, and he left two children: Conner, age 9, and Catherine, 6. He was active in his church and Scouting with his son. He is also survived by his parents, Clinton and Nancy Garmon Richey.

Richey lived up to the call of honor of the Police Academy, which states, "I must serve honorably, faithfully, and if need be, lay my life down as others have done before me." My thoughts and prayers are with the family.

#### INTERNATIONAL WOMEN'S DAY

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise today to recognize International Women's Day and to highlight the needs of mothers around the world.

Every minute somewhere in the world a woman dies in pregnancy or childbirth. Most of these deaths are preventable with targeted, cost-effective interventions and increased access to maternal health care. I applaud President Obama's newly announced global health initiative and its focus on maternal health issues. These programs will make sustainable changes in the daily lives of women around the world.

Now I call on my colleagues to take the next step and fully fund the initiative and the programs that are meeting the dire needs of women in need worldwide. We owe the women of the world no less.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

(Ms. BERKLEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### CORPORAL DUSTIN LEE MEMORIAL ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I have introduced H.R. 4639. It is known as the Corporal Dustin Lee Memorial Act, to amend title 10, United States Code, to authorize the adoption of a military working dog by the family of a deceased or seriously wounded member of the Armed Forces who was the handler of the dog.

Mr. Speaker, 3 years ago I got involved with a family from Mississippi. It was somewhat by accident really. It was brought to my attention that Rachel and Jerome Lee, the husband, had lost a son named Dustin Lee, and that Dustin was killed for this country in Iraq. He was a dog handler, and the dog was wounded as well.

The Marine Corps took the dog, named Lex, to the funeral in Mississippi of Dustin Lee, the Marine who was killed. And at that time the daddy, Jerome Lee, and the mama, Rachel Lee, wanted to have the dog stay with them. Well, it wasn't possible because the rules and regulations said that the dog, which was owned by the Air Force, leased to the Marine Corps, had to be retired.

So when the family, the mother and dad, asked for the dog that their son loved so much, the Marine Corps said we need 2 more years of service by the dog Lex. And when I heard about it, I called the family in Mississippi. And my heart went out to the family. I asked the family what could we do to help. And I don't want to take credit for this, Mr. Speaker, I want to give credit to General Mike Regner, who right now is serving in Afghanistan for this country. He is responsible for this happening. I just made a phone call.

Lex was retired 2 years ago this December at a ceremony down in Georgia, and the family now has the dog. In fact, Mrs. Lee is going to bring Lex and come to Walter Reed on the 12th of April. She wants to take the dog to visit the troops at Walter Reed, which I think is very magnanimous of the mom and dad. They want to let the soldiers and the Marines there know what happened with their son Dustin and say

thank you, but also take Lex so that Lex can say thank you to the soldiers and Marines at Walter Reed.

□ 1845

Mr. Speaker, I am going to yield back my time in just a second. I am going to ask my colleagues in the House to please join us on H.R. 4639. This, again, is to honor the families who have given a child who happened to be a dog handler the opportunity to own that dog almost immediately after the dog is cleared. And if it should be a wounded soldier, marine, or airman or seaman, they would have the same opportunity.

So this is a photograph, Mr. Speaker, of Lex looking at the headstone of the grave of Dustin Lee, and Dustin is there on his knees with his hands around the head of the dog which was Lex. This is very special, and that's why I wanted to bring it to the floor. I ask my friends, again, to join me in this legislation, H.R. 4639.

Mr. Speaker, as I always do on the floor of the House, I want to ask God to please bless our men and women in uniform. I want to ask God to please bless the families of our men and women in uniform. I want to ask God in his loving arms to hold the families who have given child, dying for freedom in Afghanistan and Iraq.

Mr. Speaker, I want to ask God to please bless the House and the Senate, that we will do what is right in the eyes of God for his people throughout this country. And I want to ask God to give wisdom, strength and courage to the President, Mr. Obama, that he will do what is right in the eyes of God for God's people in this country. And three times I ask God, Please, God, please, God, please, God, continue to bless America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### HARVEST MARKET OF GRAINFIELD, KANSAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I am here this evening to recognize the Harvest Market for its service to the community and the citizens of Grainfield, Kansas. The Harvest Market represents everything that makes a small-town business work—community support, dedicated employees and a desire to maintain a quality of life for those living in and around Grainfield and Gove County, Kansas.

During my travels throughout our congressional district, the community grocery store has proven itself to be

the cultural center of rural Kansas. I frequently hear from Kansans who contact me following a conversation they've heard at the grocery store. Many times the grocery store, along with the local barber shop, provides patrons with the day's current events and activities. Economic development within the First Congressional District of Kansas can easily be seen as whether a community does or doesn't have a grocery store. And I know my colleagues here in Washington, D.C., at least some of them, find that hard to believe that that can be an issue in a community.

The viability of rural Kansas depends upon fresh and affordable food as well as the jobs a grocery store provides. When we lose our grocery store, we begin to lose our town. Grainfield is no exception to this rule. In this tiny community of 300 people, Harvest Market provides the people of Grainfield with everything from a cup of coffee from the in-store shop to the food that will make the evening's dinner.

Dan Godek and his wife, Nicole, own and operate the Harvest Market. The Godeks continue to work hard by supplying a wide variety of affordable produce with meats and dairy products in order to make the local shopping experience more enjoyable. With people in rural Kansas willing to travel to other communities featuring larger stores, maintaining that competitive edge is vital to both the store and the community.

The couple has also made efforts to make the store more energy efficient. They've installed more efficient coolers and are making plans for freezers and reusable grocery bags. These changes for efficiency reflect the long-term goal of maintaining a thriving business in this small town. Store efficiency will help cut down on costs, allowing the Godeks to put the extra money back into the store. This increased input means additional choices for their shoppers.

Harvest Market is a socially important component to Grainfield as well. The store serves as a community center for people to visit with their neighbors. It is here that residents discuss local news and run into old friends. The Godeks also participate and help sponsor community events as their way of giving back to the townspeople. Just a few of their civic activities include organizing and sponsoring Cruise, Shoes and BBQs, as well as sponsorship of the Harvest Pie Festival on Labor Day weekend.

While the Godeks work hard to maintain the success of the store, their fellow residents also have chipped in to help around the store. Dan says that he is very impressed with the locals and how much they've supported him. Customers are more than willing to lend a helping hand by retrieving items from the back and straightening the shelves. One Grainfield resident commented, It's not just my store; it's everybody's store. They're all proud of it too. Even

Dan's mother-in-law makes the point to stop in to help stock shelves.

The willingness of the Grainfield residents to partner with the Godeks to help one another succeed is a great example of the many values that rural America lives by. They can be proud of their achievements, just as I am proud to represent these kinds of people. Congratulations to Dan and Nicole in their efforts at Harvest Market and the services they bring to Grainfield. And thank you to the town of Grainfield and the citizens of Gove County for the support of the Godeks and the Harvest Market.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### NATIONAL FRAGILE X FOUNDATION ADVOCACY DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. HARPER) is recognized for 5 minutes.

Mr. HARPER. Mr. Speaker, as you may know and many of you may know, my wife, Sidney, and I are blessed with a precious 20-year-old son named Livingston and a wonderful 18-year-old daughter named Maggie. Early in Livingston's life, we noticed that he was not reaching developmental milestones as quickly as the other children his age. He was slow to walk, slow to talk, and at times, he would flap his hands, rock back and forth, and chew on a terrycloth doll that he had. Doctors continuously informed Sidney and me that he was developmentally delayed and that he would grow out of it. We were told not to be concerned.

When Livingston was nearly 19 months old, and we were 3 months pregnant with Maggie, our doctor informed us that something could be wrong. At that time, he didn't know what it was but assured us that he would begin searching for what the diagnosis was. Over the next 2 years, our lives were consumed with occupational therapy and speech therapy and visits to the doctor, trying to find out what we had, along with other diagnostic tests. Livingston was misdiagnosed with mild cerebral palsy and was said to be a near miss on autism. My strong and loving wife dealt with these issues on a daily basis and dealt with the brunt of the day-to-day activity with Livingston. After almost 2 years, we were finally able to get a correct diagnosis of fragile X syndrome.

Most fragile X families have shared similar stories of delayed diagnosis. This is why I support the work of the Fragile X Clinical and Research Consortium. Fragile X associated disorders are genetic, resulting in behavioral, developmental and language disabilities

throughout a person's life. It is linked to a mutation on the X chromosome and is the most commonly inherited form of intellectual disabilities. Fragile X is also linked to reproductive problems in women, including early menopause and a Parkinson's-like condition in older male carriers. Today over 100,000 Americans live with fragile X syndrome, and over 1 million Americans carry a fragile X mutation and either have or are at risk for developing a fragile X associated disorder. Further, as many as one in 130 women are estimated to be carriers of the fragile X mutation, according to current studies.

Over 140 fragile X advocates visited Capitol Hill today, educating their Members of Congress on the potential for effective treatments, raising awareness of this disorder, and sharing their very personal stories. As one of the co-chairman of this bipartisan Fragile X Caucus, I am committed to improving the health of children and adults across the country living with this disorder.

Last year our caucus, united with the National Fragile X Foundation, reached many of our targeted objectives. Working with Senator THAD COCHRAN of Mississippi and other Members of Congress, we secured funding for a national postsecondary education demonstration program which was authorized in the 2008 Higher Education Opportunities Act but was previously not funded. This program will give hope to families and will allow young adults with intellectual disabilities to perhaps enjoy the opportunity and the experience of going to college.

The Fragile X Caucus supported funding for the Centers for Disease Control to establish public health activities for fragile X syndrome, obtaining \$1.9 million for the current fiscal year. Our coalition obtained report language in support of efforts at NIH for the implementation of their research plan on fragile X. And we succeeded in adding fragile X to the list of disorders eligible for medical research projects under the Department of Defense's Peer Reviewed Medical Research Program.

These accomplishments have had a significant impact on the fragile X community, but I assure you that this is only the beginning of our very promising journey. This year the Fragile X Caucus will work with other Members of Congress to push the NIH research plan on fragile X syndrome and associated disorders and will urge Congress to continue funding translational research that shows significant promise of a safe and effective treatment for this disorder. We will request that the Department of Defense expand the Peer Reviewed Medical Research Program to include fragile X-associated disorders in the eligible research topics for their fiscal year 2011. And we will advocate for continued support to grow the National Fragile X Public Health Initiative and the Fragile X Clinical and Research Consortium in order to

expand to geographically underserved regions.

I commend the ongoing research being conducted in drug therapy, and we hope that it will lead to successes. We must continue to focus on efforts to enhance the lives of these families who are blessed with a fragile X child. As the only Member of Congress who has a child with fragile X syndrome, I understand the challenges that many families face who experience this condition. For our family, fragile X has become a lifelong labor of love and daily blessings. Every day we thank God for our son, Livingston. My family's commitment to these courageous individuals is that we will work tirelessly to increase awareness of this genetic disorder.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### RECOGNIZING DR. BARTH GREEN'S EFFORTS IN HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise tonight to recognize the tremendous contributions of the relief efforts in Haiti made by Dr. Barth Green and the University of Miami's Global Institute's Project Medishare and the Miller School of Medicine at the University of Miami. When Haiti was devastated by the earthquake which struck on January 12, Dr. Barth Green, cofounder of the UM Global Institute's Project Medishare for Haiti, and a team of 11 doctors and nurses immediately sprung into action. Arriving the very next day, they were the first medical team in Haiti following this catastrophic earthquake, and within less than 24 hours at the request of Haitian President Rene Preval and the Haitian Ministry of Health, Project Medishare had set up a field trauma hospital on the grounds of the Port-au-Prince Airport. This 300-bed critical care hospital is now reportedly the country's largest functioning urgent care hospital. It is working closely with the U.S. military in Haiti, providing important triage services in collaboration with the U.S. Navy ship *Comfort*.

Under Dr. Green's leadership, Project Medishare has deployed over 500 medical, administrative and logistical personnel to staff the hospital, and they have effectively treated hundreds of patients on a daily basis. So far, more than 2,000 earthquake survivors have received care at the University of Miami Hospital. In addition, the Project Medishare UM Global Institute Hospital has served as an important clearing house and staging point for medical evaluations and for other hospitals that are operating in the Port-au-Prince area.



But it doesn't stop there, Mr. Speaker. Because Project Medishare has been engaged in health and development work in Haiti for over 15 years, they were able to quickly grow their emergency response efforts across all of Haiti. They were able to expand their longstanding programs in Cap Haitien and in the central plateau to care for earthquake-injured individuals who had left the capital city to be with their families elsewhere.

Similarly, because the UM Global Institute has been working in Haiti for nearly 40 years now, it is uniquely positioned to work with the Government of Haiti, the U.S. military and other organizations to help organize medical teams on the ground and implement field hospital plans around the capital city.

□ 1900

Notably, Project Medishare is also making an effort to integrate medical staff with the Haitian Ministry of Health and other local Haitian doctors and nurses in an effort to better train each other.

As Dr. Green himself explained, "We're beginning to train our Haitian colleagues so, when we hand off these hospitals in the next couple of months, they'll be there forever. We're not rebuilding Haiti the way it was; we're rebuilding a different Haiti."

Dr. Green has also said that they plan to leave with your colleagues in Haiti every piece of the transported equipment used for their relief efforts. This will help to transition the immediate relief assistance they have provided into real, longstanding, sustainable progress for the people of Haiti.

I was so proud to coordinate Dr. Green's efforts with our U.S. military personnel on the ground and in my district at the U.S. Southern Command. I applaud the many individuals who have participated in the relief efforts headed by Dr. Green, by the University of Miami, by the Global Institute's Project Medishare, and by the U.M. Miller School of Medicine. The work of private individuals and organizations such as these is key to the broader U.S. response to the crisis in Haiti.

Again, I would like to recognize the tremendous contributions made by Dr. Green and his partners at the University of Miami, especially U.M. President Donna Shalala, to the relief efforts in Haiti. My sincere gratitude for their selfless dedication to this cause. Congratulations, U.M.; congratulations, Mr. Barth Green.

#### RECOGNIZING MINNESOTA'S 34TH INFANTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. PAULSEN) is recognized for 5 minutes.

Mr. PAULSEN. Mr. Speaker, the amount of sacrifice given to this Nation by those serving in our Armed Forces is truly inspiring. American

men and women in uniform are a remarkable symbol for our country, and we are truly proud of their dedication.

The Minnesota National Guard's 34th Infantry Division, known as the Red Bulls, have served our State and our country with honor and are truly the best our Nation has to offer. Their dedication to ensure freedom has been a momentous task, and they continue to succeed with utmost bravery.

This responsibility is no small task. Indeed, ensuring democracy in a fragile state is something that takes courage and trust.

Most recently, more than 1,000 members of the Red Bulls were deployed to Basra, Iraq, where they took command of 14,000 troops in nine of Iraq's 18 provinces. After serving long hours and giving up days and years of their lives, the Red Bulls have finally returned home to Minnesota, and it was a joyous occasion. Families and friends were reunited after serving our country and representing our State. These heroes took part in the Minnesota National Guard's nationally recognized "Return to Yellow Ribbon" reintegration program which helps soldiers ease back into everyday life.

To give thanks for their extended service, in January 2007, the Post-Deployment Mobilization Respite Absence program, PDMRA, was implemented to offer extra pay for those who served extended time overseas during deployments in Iraq and Afghanistan.

But despite this promise, more than 23,000 troops did not receive the benefits they were promised due to the bureaucracy and the red tape within the Department of Defense. Troops that were owed thousands of dollars, they didn't see a dime. This was entirely unacceptable. This type of delay, whatever the excuse, was certainly outrageous. And although this was not a new issue, I was proud to work on this issue as soon as I arrived in Congress. In fact, the effort was led by Representatives JOHN KLINE and TIM WALZ from Minnesota, along with the rest of the Minnesota delegation, and Representative BRUCE BRALEY from Iowa, whose tireless work on this issue should not go unnoticed.

Mr. Speaker, when it comes to our veterans' issues, partisan politics are not an option. We all share a common goal in Congress to support our troops, and have worked together to ensure that those who serve our Nation get the respect and the recognition that they deserve.

While we authored legislation that would have provided an immediate fix for this issue, a major hurdle was that many Members of Congress did not know the problem ever existed. Despite the fact that 19 States had 500 or more constituents who had not received money, many Members were unfortunately unaware, which was a major hurdle in passing this legislation. And so we made it our mission personally to educate Members of Congress about the problem, and we tried to raise awareness about the issue.

We also sent numerous letters to the Defense Appropriation and authorization committees so we could begin to address the problem in Congress, while thousands, in the meantime, continued to wait for the DOD to act. In the House, we were successful in getting language in the Defense authorization bill, and we got money allocated in the Defense appropriation bill. Unfortunately, the Senate authorization bill had language to fix the problem but their appropriations bill did not include the funding. Sadly, after all of our efforts, the final Defense appropriations bill that the President signed into law did not contain the funding that was needed to provide the fix to this problem for our troops.

But we kept on fighting. We did not give up, and the issue was raised in a question by Representative KLINE to Defense Secretary Gates during a House Armed Services Committee hearing recently, and it was just shortly after that the Department of Defense announced it was changing its policy and that they would end these burdensome regulations in order for the soldiers to get the money that they were promised a long time ago.

So I am proud to report that now the first checks have been mailed out to our deserving troops. The Red Bulls, without a doubt, deserve every dollar they will be receiving after this 3-year wait. I want to take this opportunity to thank them again for their service and pledge to them that we will fight to make sure that a similar situation never happens again in the future.

#### HONORING THREE PENNSYLVANIANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, some say that America is successful because of what we do here in Washington. I couldn't disagree more. America is successful because of her citizens. And tonight, I want to share and talk about and recognize three such individuals from Clinton County, Pennsylvania.

Mr. Speaker, the first is Donald Mellott. On Friday, February 12, 2010, veteran fire policeman Donald G. Mellott made the ultimate sacrifice in the line of duty while serving the citizens and communities of Clinton County, Pennsylvania. Mr. Mellott tragically lost his life while working to control the traffic scene of a two-vehicle crash on Lusk Run in Bald Eagle Township.

A long-time public servant in Clinton County, he most recently served as captain of the Woolrich Fire Police Association. Captain Mellott was instrumental in shaping the future of the Clinton County Fire Police Association.

He began his public service at the age of 16 and served his communities for 46

years. His involvement originated in his home community of Flemington, and he has been an active member of the Lock Haven Citizens, Dunnstown, and Woolrich fire departments. He was also involved in public service as a member of the local Masonic Lodge.

Captain Donald Mellott's life embodies that of a true American hero. He lived and served with a commitment to making a difference in the lives of both his neighbors and complete strangers. He sacrificed personally, missing family time, meals, and full nights of rest when called upon to serve those in need.

While we mourn the loss of this American hero, we celebrate his lifetime record of service and his principles of public service. The families of all fire and emergency personnel share in the service and sacrifices of their loved ones. To the Mellott family, please know that I am keeping you in my prayers during this very difficult time.

The second individual, Mr. Speaker, I rise to honor today is Jerry Updegraff, who has spent 20 years raising funds to advance the causes of Lock Haven University in Pennsylvania.

He plans to retire with a balance sheet of more than \$40 million in contributions and other income that has come to the university during his tenure as executive director of the Lock Haven University Foundation.

Jerry represented the university on the Council for the Advancement and Support of Education and was past chair of the Clinton County Economic Partnership. Last month, he received a lifetime service award from CASE for his contributions to higher education over the course of his 42-year career.

I also know him as a former member of the executive board of the Susquehanna Council of the Boy Scouts of America, where he served with honor.

Prior to joining Lock Haven, Jerry had public relations and fundraising responsibilities at the University of Toledo, Bowling Green State University, and the University of Charleston.

Jerry recently surpassed the \$10 million fundraising goal in Lock Haven University's capital campaign by helping to raise \$11.6 million. We thank Jerry for his dedication and his outstanding service to Lock Haven, and wish him well on his retirement.

Finally, Mr. Speaker, I recognize Lock Haven University President Keith T. Miller. Keith has been an outstanding representative for the college. Enrollment has grown under his tenure, as has the honors program. Lock Haven has achieved All-Steinway status and qualified for National Science Foundation grants since Dr. Miller arrived in 2004.

He is a warm individual whose dedication to the school was always in evidence. He never stopped promoting and believing in the mission of the university. I am pleased for Dr. Miller that he is going to assume the reins of Virginia State University in Petersburg, Virginia, in July. Their gain is our loss.

Before Lock Haven, Miller was provost and vice chancellor of the University of Wisconsin-Oshkosh, dean of the College of Business at Niagara University in New York, and associate dean of the School of Business at Quinnipiac College in Hamden, Connecticut.

He holds a bachelor's, a master's, and a Ph.D. from the University of Arizona, but he has also worked in sales for Proctor & Gamble. He counted that as good experience for teaching business. I can continue to describe his distinguished career and many attributes, but suffice it to say that Lock Haven and Lock Haven University will miss Dr. Miller, as will I.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### HEALTH CARE TAKEOVER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, it is a pleasure to be able to join you, my colleagues, and those gathered in various places around the buildings here near the Capitol.

I have had the opportunity, having served in government as a legislator for a number of years, to serve both in the majority, in the minority, but also in the wilderness. This last year and a half has been different; I have served in the wilderness because we have actually come up to the edge of the abyss with a piece of legislation that promises to be so threatening and so destructive to our country that should we decide to swallow this poison pill and pass this piece of legislation, America will never be the same.

I have seen, in the majority and in the minority, pieces of legislation which are harmful and that may be poor solutions to some particular problem or solutions to a problem that doesn't exist or excuses just to have more taxes and more government control, but we have never quite seen a threat like the threat that confronts America today, and we, you and I, my friends, who love the red, white, and blue, are looking off the edge.

I don't know if you have ever stood on the edge of the rim of the Grand Canyon and looked thousands of feet downward, or if you have ever been on the top of some high skyscraper or bridge and looked off into empty space, but that is where we stand tonight. That is where we stand this week or next week in America. We are standing looking into the abyss, into a piece of legislation which is quite possibly

going to be passed. And if it is passed, it will leave our Nation very, very weak, much weaker and unlike anything that we have seen before.

It threatens to do two major things: to destroy the quality of health care in America, and to destroy the fiscal integrity of our very country. I am talking, of course, about an old topic, a topic that has been debated now for more than half a year here in Congress. It has absorbed the attention of the Nation, and it is an interesting topic because the more that it has been around, it seems the more the public is aware of it, and the more they see of it, the more they don't like it. In fact, as you start to take the covers off the legislation on health care, it becomes a very ugly picture, and the American public is wise. In fact, the statistical information suggests that at least 20 percent more Americans believe that we would be better not passing this piece of legislation and a great majority think we should just scrap it and start over again by systematically defining a problem and fixing it rather than having government take over all of health care.

□ 1915

Now, the process, the way that the legislature works historically has been so boring that none of the American public pay any attention to it, but that has changed since we have been in the days of looking into the abyss, the abyss of the destruction of health care and the destruction of our economy. And people are becoming conscious of how it is that bills are passed and how they become law.

What would be required to have this health care bill passed would be a process that people call reconciliation. What that means essentially is that the bill would end-run or bypass a safety process in the U.S. Senate. The U.S. Senate has a very conservative way of operating, and that is that you can have a bill that you have 51 Senators who would vote for it—so it would pass if you had a chance to vote on it—but they put this extra caveat, that you have to have 60 Senators agree to bring it up for a vote. So in a sense, everything in the Senate requires a 60 percent approval before it goes to a final vote.

Now, there is an exception to that, and that is because of the necessity of dealing with the budget and spending and taxing and some of those issues, that on certain financial kinds of transactions, because of the fact that we can't afford a gridlock, we allow a 50-vote majority to be able to move something along, and that's called reconciliation. But it is not a process that is typically used for a completely new bill on a very broad subject, which is not just specifically a financial kind of thing.

We have this quote from our President on this subject of reconciliation, he says, "Reconciliation is, therefore, the wrong place for policy changes."

Now, wait a minute now, this is the President saying ‘reconciliation is, therefore, the wrong place for policy changes. Isn’t the health care bill a policy change? I guess it is. It’s a whale of a big policy change.

In short, the reconciliation process appears to have lost its proper meaning. A vehicle designed for deficit reduction and fiscal responsibility has been hijacked to facilitate reckless deficits and unsustainable debt. Well, I wish the President would pay attention to his own words. This is what he said, Reconciliation is not a place for policy changes, and yet the health care bill is a massive policy change. It will take over about one-sixth of the U.S. economy. The government will step in and effectively run one-sixth of the U.S. economy with all kinds of rules and regulations and bureaucracies. I guess that’s a policy change, Mr. President.

In short, the reconciliation process appears to have lost its proper meaning. Indeed, it does. A vehicle designed for deficit reduction and fiscal responsibility, that’s what the reconciliation process was supposed to be about, and in fact it’s going to be hijacked. It’s been hijacked to facilitate what? To facilitate jamming down the throats of the American public a bill that America clearly does not want us to do. They want to take the reconciliation process as a mechanism to jump with all of America into the abyss.

So I think it’s interesting that after the votes, particularly the vote in Massachusetts where the Democrats do not have 60 votes in the Senate, they don’t have one Republican that would support this bill, not one, for people who have served in the legislature, that is a huge warning sign. When you see a total party line vote on something, that means there’s some problems.

Usually in the legislative process, if it’s been done properly, a lot of people have a chance for input, people have a chance to improve and say this part seems to be a little radical, let’s go back this way. Usually what you have is more of a mix of people. When you see something being jammed in a process that is not designed—that is, reconciliation—for this massive policy change, and you see not one Republican voting for it, that should be a warning sign for people everywhere, and it is a misuse of reconciliation.

And so while the public is saying in poll after poll, survey after survey, phone call after phone call from our districts, stop this train, do not jump into the abyss, do not allow the Federal Government to take over one-sixth of the economy, and yet, what do we see? We see a tremendous determination to jam this bill through, whether the procedure fits or not. But it’s my way or the highway, and we’re going to do it because we know what’s best for you.

This is a very high-handed approach, and it is something that does not—never does and never will—produce a good consensus in America. It will be

something that will divide America, create a tremendous amount of tension and pressure, end up with lousy health care, and a Federal budget that is even more out of control.

Now, if you take a look down here, we have another quote from the Speaker of the House, NANCY PELOSI, and it says, “This will take courage.” In other words, for the Democrats to vote for this bill, it will take courage. What does that mean, it will take courage? Well, if it takes courage, it means somebody is going to be mad, somebody is not going to like it. And so you have to be courageous and stand up to somebody who doesn’t want you to vote for this bill. Who do you think the “somebody” is? Is it the Republicans? The Republicans don’t like it, but we have 80 votes less than the Democrats, so we can’t say much of anything about it other than explaining why we don’t like it. But our votes don’t make the difference.

NANCY PELOSI has a whole lot of extra votes. She could have 20 or 30 people vote no and still pass this bill. So why does this take courage? Well, it takes courage because somebody doesn’t want it, somebody very much doesn’t want it, and they’re going to be mad if it’s jammed down the throats of the American people. Who is the somebody going to be? You got it, the American public.

People are not going to like this bill. So if you vote for it, the point she’s making is you’re risking your seat because people are going to be mad. It’s interesting when the leader is saying it’s going to take courage. That says somebody doesn’t like it.

Now, are there some reasons why people don’t like the bill? Well, first of all, this is a rough flowchart trying to describe what happens when the government takes over one-sixth of the U.S. economy. Obviously, there’s a whole lot of things being done by private institutions which will be replaced with government institutions, and they’ve got to figure out how to replace it all. So no wonder it takes almost 3,000 pages of bill to try to put some sort of a scheme together for the government to be running the health care business.

Now, on the surface of the whole situation with this bill, this is not an easy sell. As you know, this bill has been around for more than half a year—I guess it’s three-quarters of a year. People don’t like it very well. The President thinks it’s a beautiful bill, but the more that people see it, the less they like it; they think it’s an ugly bill.

Well, let’s just think about the logic of this, stand way back away from all the details of health care. We’ve got Medicare and Medicaid, both of those have to do with medicine. They are both very large Federal entitlements, Medicare, Medicaid. In fact, the great challenge to the American budget are three entitlements. People say earmarks is what it’s all about. Earmarks

are 1 percent. Earmarks are not the thing that’s really a threat to the budget. The thing that’s a threat to the budget are three entitlements: Social Security, Medicare, and Medicaid. Two of those have to do with health care—Medicare and Medicaid. And what’s the problem with Medicare and Medicaid? Well, they’re financially broken, and if they continue as they are right now without changing those laws, they will bankrupt our country.

So we’ve got Medicare and Medicaid, government programs that are currently bankrupting our country. And so what are we trying to sell the American public? Oh, hey, we’ve got the government running Medicare and Medicaid, they’re bankrupting our country, so let’s take over all of health care with the government. There is something intuitively counterintuitive about that, isn’t there? Why would you want the government to take over something that it’s already messing up, that not working financially, that is in the process of bankrupting our country. If you can’t do it in a smaller area of Medicare and Medicaid, why do you want to expand it to everybody?

So this is kind of a hard sell for the President, and that’s why it’s taking a lot of courage and why this bill is not moving any too fast and why the public doesn’t like it. But there are many, many other reasons. You can see the complexity here, and as you can imagine, when you start to look at the details, you find that it is full of a lot of little devils. One of the things that you find—and I think one of the little devils that is perhaps most noxious to a lot of American people—are the special deals. You see, when you have a piece of legislation that’s going to take a lot of courage, you have to put some sugar in it to make people vote for it. And the sugar, of course, comes in the special deal form.

So what you find in the legislation—to the best of our knowledge, because the idea about transparency and openness we have not seen, and so we don’t actually see exactly what’s in this bill in its final form, but you see what it was like in the House, we saw what it was like in the Senate. But we find that it has some of these special little things, that is, that it’s going to take \$500 billion out of Medicare, but is it taking \$500 billion out of Medicare all the way across the country? No. In fact, in the State of Florida, it’s not going to take any money out of Medicare Advantage at all. So it won’t be coming out in Florida, but in the other States, they do take it out. Well, that was a special deal for somebody in Florida.

Then we’ve got special deals for—I think it was called Louisiana Purchase II for Louisiana; special deals for Massachusetts that Medicare gets these special reimbursements there; going to build a hospital, as I recall, in New Jersey, but not in other places. So you have special deals. That’s one of the things that makes this look ugly to the

voters because you're not treating every State the same; you're making some States pay more and other ones don't, and you're making some special adjustments for various people.

You find there are special adjustments for people who work in a labor union, but somebody who works the same kind of job in a company that's not in a union doesn't get the same break as if you are in a union. So again, this is one of those special deals. The American people in general see that and say that isn't fair, that isn't right, that isn't good legislation, that's special deals. We don't like special deals because they don't treat people equally before the law.

Now, when you take a look at the complexity of this chart, what it suggests is that this is going to be expensive. Not only is it going to be expensive, if you've got a problem and you fall through the crack somewhere, you may never get over to getting any health care at all because it has got so much redtape and bureaucracy. And so the whole idea of this kind of a system working well and providing good quality service is a little bit hard to understand. And when you take a look at the failings of Medicare and Medicaid in terms of the projected way that they're going to take our country into bankruptcy, do you really want to expand all of health care into these categories? So there is a fiscal sanity kind of component.

One of the ways to take a look at the bill and to ask some questions and to get a sense of what's going on as to why this bill is unpopular as people study it and see more and more of it, these are some comparisons of what the health care proposal does. This is the old Democrat bill, this is the President's new online bill, and this would be the Republican alternative, or alternatives. So we have three different bills in comparison here, and a comparison based on a number of different criteria. I think it may be helpful to take a look at some of those.

First of all, it says here that it imposes half a trillion in Medicare cuts. We talked about that just a minute ago. This bill is going to cut Medicare. You always heard the Democrats saying the Republicans are going to take your Medicare away. That didn't turn out to be true, we have not done that, but this bill does. This bill is going to cut \$500 billion out of Medicare, and the answer to this of course is yes, the old Democrat bill did that. That's the yes. The President's new bill is going to do the same thing. So it's going to impose a half a trillion in Medicare cuts. The Republican alternative does not.

□ 1930

So this is one of those situations where people are a little uncomfortable. Medicare is having trouble financially, and doctors are not being reimbursed very much in Medicare, so they're starting to not accept new pa-

tients because they're not being reimbursed enough to make it worth their while to take patients. If that's a problem in Medicare, why are we going to pull half a trillion dollars out of it? That's one of the ways you can look at these bills. So there is a difference. The Republicans are not proposing that, but both the President's new online bill and the Democrats' bill do that.

Then it also enacts job-killing tax hikes and government regulations, costing hundreds of billions of dollars. It's a \$1 trillion bill, which is a conservative estimate. This bill is going to cost a lot more than \$1 trillion. How do you pay for it? Guess what. By tax increases—right?—and with cuts to Medicare. So the tax increases here are going to come from where? Well, a lot of them come from small businesses. When you tax small businesses a whole lot for their employees, guess what's going to happen? They're not going to be able to hire as many employees, so this bill then has the effect of causing unemployment.

So, in our particular climate, with unemployment near 10 percent in America and with not a lot of sense of hope that that employment is going to turn around in a hurry because of very badly shaped policies by the Federal Government, particularly policies which hammer small business owners, to have this bill which is going to tax heavily small business owners and which is going to put tremendous new government regulations on them which will cost billions of dollars is not something, from an unemployment point of view, that is a very good idea.

This is going to be done by the old Democrat bill and the President's new proposal. The Republican alternative, it won't surprise you, is not enthused about tax increases, and we don't know that that's the best way to be dealing with some of our problems in medicine.

I am joined by a very good friend of mine, Congressman BISHOP. I would very much appreciate his perspective as to what we are talking about.

I've just been saying—and I don't think I am overdramatizing this—that, to a degree, it's my sense that America is standing on the edge of an abyss, like looking over the Grand Canyon or something, and that, if we step off the edge and misuse this reconciliation process, we are going to damage our country in a way unlike anything that we have seen before.

Please join me.

Mr. BISHOP of Utah. I appreciate being able to join the gentleman from Missouri here, and I appreciate his efforts so far in explaining the differences in these particular bills.

I want to echo that I agree with you that we are in a precarious situation. There are those who would tell us that the most important thing we could do right now is to pass something. A lot of bad pieces of legislation and policy changes have happened when we have simply passed something that was there. Our goal on this particular issue

should be to pass the right type of reform, not just something. Until we get the right type of reform, we should never actually quit looking to form a way that is best in providing options and choices to the American people.

I am assuming, when you started, that you talked about some of the four supposed, alleged, Republican proposals that were added today. You know, when I first saw that, I thought somebody was pulling my leg. It was a joke. I find it ludicrous and somewhat insulting to the American people that there are actually those who believe, if you take a \$1 trillion program which transfers power from the American people to bureaucrats in Washington, by adding more spending for a few studies and for a few small, little tweaks here and there, that that's actually better and that that's going to buy people's support.

I think one of the things, maybe, we have done too long in both Houses of this Chamber, perhaps with both parties, is we've spoken too long about it. We've been giving speech after speech as if that's going to convince Americans to go along with this program. What we should do now is listen to the reasons Americans have complaints about the core program that is before us.

I appreciate what you're doing up there. You're going through some of the core problems in this particular bill—that a few little add-ons, which cost even more money, are not going to sell this core problem issue.

If I could say just one more thing—go ahead.

Mr. AKIN. It sounds like what you're saying is that you can chrome-plate a pig, but it's still a pig when you're done. Go ahead. Yes.

Mr. BISHOP of Utah. I've actually been trying to think of a lot of metaphors here, and I don't think any of them really work terribly well.

Except I do remember one time when my oldest kid was about 3 or 4. He had been given a candy bar and was supposed to participate in a program, and he didn't want to go up and join the other kids in the program. So I took his candy bar away. I said, If you go up there and perform, I'll give you a candy bar. Of course, he was dumb enough to accept that, and he waddled right up there and did the program, and I gave him his candy bar back.

I hope that people don't think, just by giving me my candy bar back, I'm going to buy this program, because the program hasn't changed. It is still fundamentally flawed.

A reporter just asked me, Don't you think these bills should have an up-down vote? Well, here in the House, everything is an up-down vote.

Also, the bills that have been introduced by Representative SHADEGG and by Representative PRICE have a different approach to solving the problem and to reforming our system, which is based on giving power to the people so that people can make choices. Representative AKIN, I think they deserve

an up-down vote in this body as well. Instead, they have been prohibited from even being discussed in committee or on the floor.

Mr. AKIN. So, in other words, what's happening is you have other approaches to solving some of the problems of health care, not trying to have the government take it all over but, rather, to fix various component parts. We have a Rules Committee. If you want to offer a suggestion, for instance, they prohibit you from offering it as an amendment to get an up-or-down vote on it; is that correct?

Mr. BISHOP of Utah. Yes. I would simply suggest to the leaders of our Congress and to the President, instead of saying, If you have ideas, give them to me, and I'll make a choice on whether they're good or not, put the ideas on the floor.

Mr. AKIN. Well, that's the way the process has worked. Yes. Go ahead. Right.

Mr. BISHOP of Utah. Put those ideas on the floor, and let all of those ideas be fully debated in front of the American people. Give an up-down vote on every idea that's out there. Just perhaps, just perhaps, we will find that there is a needed reform to our health care system that actually meets the needs of the American people, that does not cost them out of existence, that does not cut jobs, and that does not move power away from the people back here to Washington. It allows people and their doctors to chart their own futures.

I have said it a couple of times when I've talked to you on the floor here on this issue: the State of Utah launched last year a reform of the health care system based on Utah's unique demographics. We have the youngest State in the Nation. Our median age is younger. We also have probably more small businesses which don't provide insurance than in most States. We need something specifically for our need, and we have launched a program that is well designed with fundamentals. It still needs to be tweaked, and it still needs to be worked on, but it is based on our needs and on our demographics. If either the Senate or the House bill, these one-size-fits-all programs, were to pass in any form, it would totally destroy what the State is trying to accomplish.

We are not the only ones with brilliance here. We are not the only ones who care about people. We should be partnering with States to come up with new and creative ideas to meet the individual needs of our people in their individual areas, and we flat out are not allowing that to take place.

Mr. AKIN. We are basically muzzling a lot of the representative process.

As you said, there have been different analogies. You talked about your son with a candy bar. Another one was the idea of a kitchen that has a broken sink. When you hire a plumber to fix the broken sink, you don't remodel the entire kitchen. Of course, that's the

model that the Democrats have been using. It's the concept of, Ha, the sink is broken. Therefore, we can remodel the whole kitchen. They have the idea of remodeling the kitchen, and they've been wanting to do that for a very long time. The broken sink is now the excuse to remodel the whole kitchen.

I think the point of the matter is that the American people would be more comfortable and the legislative process would work better if we were to say, "Let's define a specific problem in the health care system." Instead of having the government take it all over, let's try to solve that one individual problem. I guess it depends on how you explain it or say it.

If I were to ask, Gentleman, would you like the government to buy you a house, you might be tempted to say, Well, that sounds pretty good. Yet, if I were to ask, Would you like to live in government housing, you might think, I'm not so sure I want that. That may be a little bit of an analogy to explain what we've got here.

The idea is to say, "Hey, don't you want free health care?" But the other way of looking at it is, Do you really want the government making health care decisions, or would you prefer that your doctor makes those decisions? So it depends how you say it, but the American public has gotten wise to this, and that's why you've got at least 20 percent more in the number of Americans who don't want this program.

Mr. BISHOP of Utah. Well, I think the gentleman has also brought the other chart down here, which you probably used earlier, which is how the system would be structured. Now, when the first bill was presented by our good friends on the other side, that was the structure. I hate to say this. Over all the times we've just discussed it, that typical Washington approach of convoluted, complex patterns and about people making decisions hasn't changed at all. As we have come through and have supposedly come up with this new idea that has a few tweaks from the Republican side, there has been no compromise on the basic problem, which is that structure.

Mr. AKIN. You know, I kind of like this chart because I think that some entrepreneur could make money with this chart. If you were to just shrink it down a little smaller and add some additional lines, you could start over here. These are the consumers. These are the people who are sick. The medical professionals are over there. You could sell it to restaurants as a placemat and give people crayons, and customers could try and draw and see if they could get through the maze to get over to the health care professionals, because that's a little bit how this looks.

Now, maybe that sounds like a silly thing to say; but, gentleman, you're in the business in your office—among other parts of the work that we do as Congressmen, we get phone calls from

our constituents. Our constituents want us to help them solve problems that they're having with the Federal Government. I'm thinking, if this system gets put in, I'm going to have I don't know how many thousands of people every day on my phone, saying, "I need this kind of medical care, and I can't get through this system". They're going to ask me to help them do it. I'm going to say, "Fat chance. This is a mess."

Mr. BISHOP of Utah. I think you're absolutely right, and I think that's one of the reasons a lot of people have changed their opinions. A lot of people have grave concerns about this type of a program, a one-size-fits-all, Washington-based program.

I've also had some other people calling me, a lot of people with grave concerns and with a great deal of anger over everything that's going on. There are some who have simply asked, "Why can't you just sit down and compromise? Why can't you work things out?" I think I join with you in saying I am more than happy to sit down and work with anybody who will work with me.

The bottom line is we have not been allowed to work together, which is why I was saying earlier to let those other ideas, the other bills, have an up-down vote as well. Bring them to the floor and allow a true debate on all ideas. Don't siphon the ideas down to what is allowable by the leaders of Congress. Allow us to actually work together. As I think you intimated, there are some things, certain provisions, on which both Republicans and Democrats do agree. Let them stand by themselves and see what we can actually accomplish without taking an idea on which we basically all agree and then adding 10 or 15 bad ideas on which we fundamentally disagree and saying, Okay, it's take it or leave it.

Mr. AKIN. Well, you know, I hate to admit how many years I've served in the legislative body. I started by saying I've served in the majority, in the minority and now in the wilderness.

As to most legislation I've seen that works pretty well, surprisingly enough, people are sold on it. There is a process of a bunch of people coming together, defining a problem, working on a solution. Frequently when they start, the bills are pretty rough, are pretty hard to understand, and have a lot of questions and problems in them; but as more and more people have a chance to work on them, to roll their sleeves up and have input in them, the bills get refined.

In the business world, if you want to mess something up, you send it to a committee. In the political world, when committees work on legislation, they tend to refine the product. After a period of time, what happens is you have certain ideas that some people just can't tolerate, and you tend to throw the radical stuff out. What you can agree to comes together. When that happens and particularly when it

happens across party lines, you don't have major fundamental reform, but you change, and you fix things in ways that solve people's problems.

What happened this year is we had 80 less seats than the Democrats, so they thought, We don't need the Republicans. The dickens with the Republicans. We've got such a majority that we can do whatever we want. As they've marched off to totally change all of health care, now they've gotten kind of in a jam because they're realizing the public is not agreeing with it, and they don't have one Republican vote. That's very, very unusual politically that there is not at least one Republican who would vote for a bill.

That says that this has been such a partisan kind of approach, and that's why there is cause to scrap it. It's not that people are going to go back to ground zero in health care, but they're saying this approach right here is just too much.

Mr. BISHOP of Utah. I would be very hesitant to try and ascribe any motives as to why things happened the way they did.

What we do know is, historically, when major changes of policy have taken place, even when they have been hotly debated, even sometimes when cloture has been approached over in the Senate, the final product has had a lot of majority and minority votes coming together.

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It was not this divisive of an issue that was trying to be pushed through in, once again, a very partisan and divisive way.

I think you are right. What Republicans are saying is there are other ideas that still have to be out there, and what is more important for us is to do the system and do the reform the right way the first time. It is very difficult once something is established to go back and fix it. It is best to do it right the first time, and we are not doing that here.

Mr. AKIN. You are right. The thing about legislation, because it affects so many people, it is so expensive and what you sometimes create can never be taken back, it is absolutely crucial that we get this thing right the first time. We would be far better off—I guess it is maybe a little bit like choosing a wife. You want to be sure you choose the right one the first time. It is less expensive that way.

This is something you want to get it right the first time, and if there is doubt, if there are questions, then it says it is probably better to slow up and take a good look at what you are doing.

Now, there are some things about the bill that are being proposed here that are just completely anathema to many, many Americans. I think if you have to say, well, what would some of those things be, I mentioned the special deals. People don't like that.

But if you get to the heart of what is going on in health care, it is that rela-

tionship between you when you are sick and your doctor. We call it the doctor-patient relationship. I think that is fundamental to our understanding of what good health care has to start with, and that is that you have got qualified, professional doctors who work with somebody who is ill. The family and the doctor come together and they put together a solution as to what is going to happen and what the doctors can do to help you with your health.

Now, one of the things that gets people very upset, and with good reason, is when somebody butts in to that doctor-patient relationship. One of the examples that we have seen too frequently is that we have allowed insurance companies sometimes to jump into that doctor-patient relationship, and they say, oh, we are not jumping into the doctor-patient relationship; it is just that we are deciding what we will fund and what we won't fund. In other words, the doctor says you need to do X, Y, and Z, and the insurance company says, oh, you don't need to do that. So we don't like it when somebody who is not a medical professional starts to superintend over our health care and we don't have any control of it.

What is even worse is that when the doctor makes a medical mistake, he is going to get sued, but when the insurance company says you don't need to do that and then you up and die and your relatives say, hey, the insurance companies just cost a life, well, it turns out they don't have any medical liability. That is not a good situation.

But it is not the worst situation. Something worse could happen. It is this. This is what is worse. Instead of an insurance company, which, if you want to, if you have to, you can change your insurance company, this is going to put a government bureaucrat between you and your doctor, and that is something that I don't know a single Republican that likes that idea.

We don't think we want government bureaucrats getting between you and your doctor. And how is that going to happen? Well, because the bureaucrats have got their calculators, and as they calculate, they say, how old are you? What are the statistical chances of this? Whoops, you don't get this care.

So the bureaucrats say, we are not going to allow you to get this kind of health care. And the doctor says, no, I understand the statistics, but in this case this particular medical treatment is necessary. And the bureaucrat says, no, you can't get it. That is one of the reasons why in the United Kingdom health care death rates are much higher than they are in America, because of the fact that the bureaucrats say, no, you can't get any care.

Mr. BISHOP of Utah. If I could get the gentleman to yield for just one second.

Mr. AKIN. I do yield to my good friend from Utah.

Mr. BISHOP of Utah. I think it is well to reemphasize that fact that not

everyone will get what they want in this particular program. I was told that once again today, the President, in his remarks, said, if you like your plan, you keep your plan; if you like your doctor, you can keep your doctor.

Now, if that line sounds familiar, it is because it was a staple in the rhetoric for all of last year, with a couple of problems. I have been told that media outlets like the Associated Press and ABC News debunked that claim, showing that that cacophony of programs and lines going through, that that simply was not the case. And the White House then said, well, we are not taking that line literally, and eventually it was removed.

It is coming back now, but it still is not accurate. The problem is, if you like what you have, you may not end up keeping what you like. You may end up being told what to do, which is the problem every time when you try and transfer power from individuals back to Washington to tell us what is best for us. We sometimes may not agree. And that is the sad part.

That is the fundamental problem that a few tweaks around the edges can't solve. But that is a significant problem. And I think the gentleman from Missouri hit the nail on the head when he said this is one of those fundamental issues, which is why this program should not be forced through, but you should back up and start again with something that doesn't have that premise of Washington being empowered to tell us how we will live our lives.

There are 8,000 State legislators out there, all of whom are bright, all of whom can come up with programs for their States. Allow the States to be the laboratory of democracy that Louis Brandeis used to talk about. We can do better. We can do better. This is not good enough for us to force through, just so we can say we did something. There is a better approach to it.

I yield back.

Mr. AKIN. I couldn't agree with you more, and I do think that is a fundamental question. And when people talk about compromise, I would picture people on the outside of Congress saying, why can't those people just get together, solve a problem, bury their partisan hatchets and just serve the American public?

Part of the reason why you don't see that is because there are really fundamental differences of opinion on what you do with health care, and one of the very, very big ones is that question: Is it going to be between you and your doctor or is it going to be between you and the Federal Government and some doctor that they choose? And that is a very, very big difference in opinions on health care, and this system forces the Federal Government between you and your doctor, and it is why it doesn't have any support, among other reasons, from Republicans.

There are a couple of other things here we probably ought to talk about,



because when we talk about health care being too expensive, one of the things that really increases the cost of health care has been attorneys, particularly trial attorneys who are going to sue doctors for having done the wrong thing.

Now, there are times when doctors do the wrong thing. There are times when doctors do the wrong thing. They need to fix it and need to pay for some of the damages that their actions caused. But this is more than that. These are these punitive lawsuits with millions of dollar claims. And what does that do? It adds a tremendous cost to the cost of health care. So, one of the ideas, if you want to reduce the cost of health care, is that you want to have what is called tort reform.

We were promised in Baltimore by the President that certainly he believed in tort reform. But as we take a look at the legislation that we have got, one of the things that you find is that the supposed tort reform in this bill, the old Democrat bill, and I believe the President's new bill, although I am not sure this is in there, is the fact that the States that have enacted tort reform, such as my own State of Missouri, the States that have enacted tort reform, they cannot keep that tort reform in place when this medical bill goes in. So it gets rid of tort reform instead of making tort reform.

Now, I said that costs a whole lot of money if you don't have tort reform, or tort reform is a good idea to reduce the cost of health care. In the State of Missouri, it has dropped the cost of health care significantly, I am talking in excess of 10 or so percent, States that have decent tort reform. It reduces the cost of medicine. So, that is a reform that Republicans wanted to do, and it is not included in the bill, which is the tort reform.

I do yield.

Mr. BISHOP of Utah. If I could maybe add to that, because I think you have hit on one of the things I think is essential if we are really going to reform the health care system, because we do have two problems. One is people being covered by insurance, but the second one is the overall cost of the system. If you don't address both of those problems, you haven't really done a good health reform.

Mr. AKIN. The cost of the system, and what is the other?

Mr. BISHOP of Utah. Coverage of individuals, being covered and having the costs overall. Because even if you have insurance, it still is very expensive, and the costs keep going up. So we have to deal with both of them.

A key element, a crucial element that everyone within the medical community will tell you, is if we don't do cost reform dealing with tort issues, if we don't deal with the massive amount of litigation that forces doctors to do more and more procedures just so they are covered just in case someone decides to sue them, we will never actually get a handle on the costs of health care that keep going up.

Once again, the President has said in past speeches he is willing to look at that. But in one of the four proposals he seemed to add as a sweetener to this deal, it was not to actually have malpractice resolutions, but simply to study alternative malpractice resolutions.

Now, that ain't it. A study, we have been doing that for a long time. We know what the problem is.

Mr. AKIN. It seems to me the study has already occurred. Various States have done it, tried it, and it saved a lot of money. What more do we need to study on it?

Mr. BISHOP of Utah. So adding that as something to improve the system doesn't improve the system at all. It is nothing. What we need to do is actually implement those. And you are right. Once again, even my home State, the legislature once again is addressing on a State issue that concept of tort reform and litigation limitations. It is essential, and we need to do that.

That is one of the issues on which I think both parties could easily come together and make a resolution, if we were allowed to discuss real litigation reform. But, once again, that is not on the table. That is not discussable on the floor, if "discussable" is a word, which it probably isn't.

Mr. AKIN. Well, but it is something that needs to be dealt with. If we just kind of run through that, I think people can understand. You are a doctor. You have somebody who is ill, and you think, well, I am pretty sure this is what is wrong with them, but it could be five other things, so I am going to run all these tests, some of them are very expensive tests, just in case, no matter what, so if anything goes wrong, anybody gets me in a courtroom, I can say I did absolutely everything that anybody could do, and a whole lot more besides.

Well, of course, that costs a whole lot more money, and they are doing it strictly to cover their tails because they don't want to be sued and have millions and millions of dollars thrown against them and run their cost of insurance up.

Now, if their insurance goes up and up and up, guess how they have to pay for that insurance? By charging the patients more money. So that is how this tort reform can save in various States. We don't have to study it. It saved a whole lot of money in a great number of States.

So those are some things that I think are important. I talked a little bit about reconciliation, the misuse of that process. I had a good quotation here from a prominent Senator. A prominent Senator was looking at reconciliation. That is the process the Democrats are talking about doing. And this prominent Senator, you have got it, it is the President, says, "Reconciliation is, therefore, the wrong place for policy changes."

I think the government taking over one-sixth of the U.S. economy would probably qualify as a policy change.

He says, in short, the reconciliation process appears to have lost its proper meaning, a vehicle designed for deficit reduction and fiscal responsibility. This doesn't seem like deficit reduction and fiscal responsibility. It seems like it is a policy change.

We have to agree with the President that this is not the place for reconciliation. And yet, guess what? In spite of the fact that Massachusetts has even voted on this, we are going to jam this bill through, whether you want it or not, using this process, the misuse of this process called reconciliation, which most people have never heard of before, but it is by hook and by crook and not by a legitimate method.

Here it benefits trial attorneys, by failing to enact meaningful lawsuit reform. That is that tort reform. The old Democrat bill does not put it in; the new one does not. The Republican believes, yes, we should have tort reform.

Here is another one. Protects backroom deals with Washington special interests. There have been a lot of special deals in these particular bills. I think the one that I find most offensive was an agreement made with insurance companies that said if an insurance company makes a decision that overrides the doctor-patient relationship—that is, they say, yeah, we recognize the doctor-patient relationship; we are just not going to pay for it—if they do that and something goes wrong, the insurance company cannot be sued. So the doctor gets sued for everything. But if the insurance company that is not a medical authority makes a decision, the decision turns out to be bad, yes, the doctor said your wife should go to the hospital but we said we are not going to cover it, she doesn't really need to go to the hospital, and then she gets really, really sick because she should have been in the hospital, guess what happens? The insurance company has no liability whatsoever. So that is one of the backroom deals that is particularly upsetting.

The other one we talked about puts the government bureaucrats in charge of personal health care decisions. The Democrat bills are doing that. That is why Republicans—this isn't a matter of, hey, can't you just be a little open minded? No, I can't be open minded. I don't want the government involved in health care decisions with my body.

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The Republican proposals don't do that. We're joined—I don't know whether he wants to join us yet or not—by a good friend of mine from Texas. No, he's not quite ready. Will you talk to us in a few minutes? We'd like to have you as part of our discussion. But you're going to do another hour.

Here's one. This is: Breaks President Obama's pledge to not raise taxes on those who make less than \$250,000. I recall in the campaign he said, I'm not going to tax anybody who makes less than \$250,000. And I thought, Man, am I

glad about that, because I don't make \$250,000. I'm going to skate free for 5 years. No taxes. It's not going to be a big deal.

Well, the trouble was the House passed a bill not so long ago that was going to get you. If you flipped the light switch, you were going to get taxed. That doesn't have anything to do with \$250,000. This bill is going to tax a whole lot of people making less than \$250,000. Yes, it does. And the old Democrat bill, the President's new bill, yes, it is taxing people under \$250,000 very heavily. In fact, it mandates that you have to buy a government product, which is unconstitutional. The Republican bill doesn't do that.

My good friend from Utah.

Mr. BISHOP of Utah. If I could add just one element to that concept of \$250,000, because I agree with you, if \$250,000 was a salaried employee, that's pretty good money. The only problem is, in all of these equations it applies to the business world as well, in which almost every small businessman is grossing at least \$250,000. I know in my district—once again, I said Utah has more small businesses on average than most States do. And in my district, almost 98 percent of those, according to the IRS, will have a bottom line that's above \$250,000. So it means the taxes that are imposed are also imposed to the business community. It's one of the reasons why the State of Utah, when they looked at a reform for health care in the State of Utah, tried to come up with a policy that would give a consistent number to small business so they knew how to plan for what the health care cost would be and can come up with a defined contribution level they could give their employees, who could then go to the exchange and buy something that fits into what they need. But that consistency is extremely important.

It's very difficult for small business to provide health care for their employees when they don't know what the escalating and skyrocketing, almost roller coaster costs, will be to them. They cannot plan for that so they basically don't do it at all. And if indeed we add a tax to them at this stage of the game, that means we are making it even harder for the business community to recover, to provide jobs, to grow our economy, and to get people working again. That's why when we say this thing hurts job performance, that's why it hurts job performance. It can be devastating to job creation.

Mr. AKIN. I really appreciate your highlighting this question of unemployment because I really think that a whole lot of Americans would think we were more effective and that they would have more respect for Congress if we were dealing with the fact that we've got a 10-plus percent unemployment rate out there. And in fact that number is probably conservative because of the fact that if you haven't had a job in a year, you're no longer part of the statistic. So as people get

more and more discouraged, don't get a job, they fall off those numbers, and we still have a 10 percent unemployment rate.

So I think a lot of the public would say, Hey, why don't you guys pay attention to unemployment. Well, here's a way to pay attention to unemployment. We've got a bill here that, on the face of it, economists have rated it's going to cost 5 million jobs. Why in the world would this proposal cost 5 million jobs? Well, you just hit it. But do it again, gentleman, so people can make that connection.

You have got to understand, this is going to increase unemployment in America. Is that what the public wants, more unemployment? I don't think so. But please run through that again. You're a small businessman and this bill passes, and what does that mean?

Mr. BISHOP of Utah. That means there will be an extended cost of doing business associated with this particular plan. Even though when we say anyone making over \$250,000 will not be taxed, it will be taxed. Once again, if that was simply a salaried employee—a salaried employee—that sounds pretty good. But that covers almost all the businesses we have who are small in this country, and large as well.

Once again, it does go to the point we tried to make a little bit earlier. The Shadegg bill, the Price bill, the other Republicans' bills that should have been allowed to be debated, they don't have any of those provisions. So that negative anti-job aspect that is definitely a part of this bill if it's pushed through does not necessarily have to be there if you simply allowed the other ideas to be debated, discussed openly here on the floor.

Mr. AKIN. Right. So we don't have to create unemployment and deal with health care. It's just that this approach is going to create unemployment. Now let's take a look at how that works. There's a number of ways that unemployment is going to be driven. The first is you're going to tax the guy that owns the business. When you tax somebody that owns a business, it means he's got to give money to Washington, D.C. That means he can't take that same money and put it back in his business to add a wing to the business, to buy a new machine tool to create a new process to create more jobs, because instead of taking the money to build the small business, you're taking it to give to the government to run health care. So when you take money away from the owner of a small business, you're going to kill the job creation process.

What else does it do? Well, it creates a lot of redtape for business owners. And when you create redtape, that also makes it so that it's harder for them to be efficient and competitive. And so that tends to hurt job creation. You also, because this bill has been sitting around and been hanging, scaring everybody to death for three quarters of

a year, it creates a sense of tension and a restlessness, so that business owners are saying, I don't know what the business climate is going to look like in 6 months. I don't dare take a risk because I see threats on the horizon to the financial stability of my company.

Mr. BISHOP of Utah. The gentleman from Missouri also has those last two points on your chart, which reemphasizes the very statements that you were just making.

Mr. AKIN. It forces individuals to purchase government-approved health insurance. Let's talk about that for a minute. Yeah, the old Democrat plan forced you, it forces everybody in America to buy something. And the President's new version forces you to buy something. The Republican does not force you to. And aside from the fact that Americans don't like to be told that you have to buy something, there's a small detail: It's not constitutional. When can the government tell you that you have to go out and buy a gun or you have to go buy a watermelon or something? That's not constitutional for the government to tell you you have to buy something. Yet, that's what's going on here.

Mr. BISHOP of Utah. At times we have talked in the past about this concept of constitutionality in two ways. One, that it violates the concepts of federalism. But the second one deals with specifically the commerce clause. I think that's been brought to our attention before. That even in court cases, and maybe somebody will correct me here when it's his turn, in court cases there are usually two principles that are involved on whether the commerce clause is justifiably used. One: Does it have an impact on interstate commerce? I think everybody admits this would have an impact on interstate commerce. But the second is: Is there a willing participant in this program? This is why this is different, because for the first time you are threatening to fine people, throw them in jail, for not doing anything. For doing nothing. I don't know how many negatives I put in those sentences. But for someone just living their life who does not want to participate, they will now be fined for doing that. The government has never done that. And that is what I think exacerbates and expands the commerce clause beyond recognition and beyond fairness to individuals at the same time.

Mr. AKIN. Well, I think we have had a chance to take a look tonight at what I started out by saying that we are standing as Americans on the edge of an abyss. I recall standing on the rim of the Grand Canyon and seeing a thousand feet of open space in front of me. And in a sense, that's where we stand today, with America perhaps politically poised to push forward using a misuse of a process to force this government takeover of health care down the throats of many, many Americans who do not want to see this take place.

This is a very serious moment in American history. I can recall historically there's been other very, very serious moments in American history. The Pilgrims standing on the frozen shore of Plymouth with the dream of creating a new kind of civilization; our President-to-be, President George Washington, on his knees at Valley Forge, praying for his little army. And even old skeptic Ben Franklin at the Constitutional Convention asking for prayer each day.

In all of these cases, Americans discovered that in their hour of need they turned to God for his help and his guidance. I believe as we stand on the abyss tonight, for those Americans who are wont to turn to God for answers, that this is a time to be doing that. To ask for his help supernaturally so that we don't make this fatal step pushing our Nation into socialized medicine, creating a precedent for our citizens to be continually handcuffed to a government health care in a system which no politician that's freely elected could ever reverse because the public would say, You're going to take my government health care away. I won't elect you. That's been the experience of other countries. It completely changes the nature of the freedom and the nature of the quality of health care in America if we'd fall off this abyss. And it's time for some prayers.

God bless you all. Thank you. And good night.

#### HEALTH CARE IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. It is a privilege to be on the floor any time when you know the history of this place and what all is going on before us. I'm so grateful for my friend from Missouri, my friend from Utah pointing out such important things about the health care debate that is ongoing. It is critical. We're talking about the lives of Americans. This is not something that should be considered lightly or done too quickly.

It is incredibly ironic to realize here we are now into March of 2010, and beginning back over a year ago we were told there is no time to waste. We do not have time for Republicans to have any input. We don't really want to hear from Americans. This is too important, we were told, to delay. We have got to have this done by May. Well, even though the Democrats have plenty of votes to more than pass this bill, they didn't get it done by May. They could have done it without any votes from Republicans, yet it was the Democrats themselves that were not able to pass this bill, and the reason is there were Democrats who were also concerned about what was in this bill, just as many of them are still very concerned that what's in the bill is not appropriate and not good for the people in

their districts or their States. So here we are.

Then we heard, Well, we need to get this done by July 4th. Then we heard we need to get it done by the August recess. Then, we need to get it done before Halloween. Well, then we need to get it done by Thanksgiving. Each time, the need to pass it immediately was given as a reason that there just wasn't time to incorporate any Republican ideas.

The trouble is, these were not Republican ideas. These are ideas that come from some of the smartest people in the country; that come from doctors, that come from economists, people that have worked through these issues, and yet still the effort has been made to ask America—not ask, but demand America stick out your tongue and say “ah” while we cram this down your throat.

It needs to be looked at even more closely. And there is a technique that's been known in debate world as creating a straw dog. You create the straw dog and say that's what your opponent believes and is trying to do. You get righteously indignant, and you beat up the straw dog, showing how you tore your opponent up because your opponent had this ridiculous idea. The problem was, in that debate device it's simply not accurate because that is not what the opponent was saying.

In this case, I don't really see us as having opponents. We are out here trying to do what is best for America, and yet most of America, through their representatives, have not had a chance to be heard. That includes many represented by Democrats.

We are joined by my friend from Utah. And I would be glad to yield such time as Mr. BISHOP might use.

□ 2015

Mr. BISHOP of Utah. I appreciate the gentleman from Texas not only for his insights he is going to present on this particular bill, but you have a special talent that I think the gentleman from Missouri and I did not have a little bit earlier in this with a legal background. First of all, I appreciate you bringing up the fact that there is bipartisanship in their concern for this particular bill.

Mr. GOHMERT. Sure.

Mr. BISHOP of Utah. I also appreciate the fact that sometimes we present arguments and I need to have a specific legal expert explaining them to me.

We talked a little bit earlier about the fact that apparently in his speech today, the President once again said, If you like your plan you can keep your plan. If you like your doctor you can keep your doctor. That if you are on an insurance company right now and you are happy with that, it will not change. And maybe I can ask you now as an attorney, as someone who reads this stuff for a living and tries to understand the gobbledygook that we always pass, if you can tell me if that is really accurate. Is it indeed the fact that if you

like your plan you will be able to stay on that plan? And insurers who have private insurance plans will be able to maintain that commitment to people if either the Senate or the House version were to pass?

Mr. GOHMERT. The answer is that yes, you can keep your plan if you like it for maybe a year, then you lose it. Maybe 2 if you are lucky. On the other part, if you like your doctor—and the gentleman from Utah has quoted it exactly. I have the text of the President's speech here. He said, “If you like your plan you can keep your plan. If you like your doctor you can keep your doctor.” The thing is nobody, not even my dear friends here on the floor with me, can promise you that if you like your doctor you get to keep your doctor. I will give you one good reason why.

I have talked to numerous doctors that are my age and older who have told me, many of them, that I have not accumulated what I had hoped to by this time. But they are very sincere, and they say, But it has gotten so frustrating dealing with the government over Medicare and Medicaid, and even dealing with insurance companies, they've had enough. And I have been told, I am sure my friends have been, too, that if this bill passes they are walking away from the practice of medicine. They are walking away. It will not be worth it. I have heard that from so many people.

So for somebody to say if we pass this bill, and I don't care who it is, any Democrat or any Republican that were to say if we pass this bill and you like your doctor you can keep him, it is wrong. You can't make that promise because many of the doctors you like the best have already said we are walking away.

Mr. BISHOP of Utah. If I can add a follow-up question to that, in the law that is proposed to be passed, either the House or the Senate version, does it allow me to maintain my insurance in the present form if I want to maintain that insurance in the present form?

Mr. GOHMERT. One of the things I love about being on the same committee with the gentleman from Utah is he may not be a lawyer, but he has incredible insight and discernment and can shoot right to the crux of an issue. So when we do that, as the gentleman has asked, and we look at page 91 of the House bill, and I have asked others, look at the 11-page summary the President proposed and then look at the 19-page summary of the summary that the White House gave to us, both the 11-page summary and the White House 19-page summary of the summary, and see if you can tell if one single letter of the law under section 202 of the House bill is changed.

I have been told by attorneys that have looked at it, it does not appear the President is proposing any change to page 91 of the House bill. So when you look for the answer, Do you keep

your insurance?, well, you look to the language. And the language is this:

“Section 202, Protecting the Choice to Keep Current Coverage.

“(a) Grandfathered Health Insurance Coverage Defined. Grandfathered health insurance coverage means individual health insurance coverage that is offered and in force and effect before the first day of Y1 if the following conditions are met.” And Y1 is just the day that the new bill starts.

“Number one, Limitation on New Enrollment.” In order to keep your insurance if you like it, number one, and I quote, “The individual health insurance issuer offering such coverage does not enroll any individual in such coverage if the first effective date of coverage is on or after the first day of Y1.” So if you add a single additional insured to the policy that you have—you are on a company policy, or if you are like a couple of guys that told me recently that their unions negotiated a fantastic health care plan, they love it, they are not worried about the rest of the country because they get to keep their plan. Unfortunately, as I asked, Does anybody ever get added to your health care policy?

And they said, Well, yeah, people retire all the time and they get in there and we all have the same great policy.

I had to explain, Bad news. As soon as they add one more person on your health care policy, you lose your policy. And then that throws you over under the Federal insurance exchange program that the government controls.

There will be private insurance companies that will be allowed initially, until they go broke, they will be allowed to offer policies, but they are mandated exactly what they have to provide in those policies.

But here is the real kicker, the second limitation on changes in terms or conditions. The second condition about keeping your policy is this, and I quote, “The issuer does not change any of its terms or conditions, including benefits and cost sharing.” Now, that is why I replied to the gentleman earlier, the answer is you might get to keep your insurance policy for a year, 2 years if you're lucky. But there is no way that you could have an insurance policy go for more than a couple of years without having to make some changes in their terms and conditions.

For one thing, we know that health care, with medicine, knowledge, and practice changes all the time. We find out that some types of procedures are more dangerous than we knew. And so a policy said we will no longer cover that because the benefits do not outweigh the risks that are involved. Another thing is you have new technology, sometimes less expensive ways to treat something. Well, obviously you want those included in your coverage. They would be added. That changes a term or condition. So within 1 year or 2 years everybody in the country that liked their policy, just as the President promised, get to keep it

for about a year or 2, and then they lost it.

So when the President says you get to keep it, that is accurate. He just doesn't tell you you won't keep it very long.

I would be glad to yield to my friend from Missouri (Mr. AKIN).

Mr. AKIN. I just appreciate your discipline, and having worked through specifically and exactly what the bill says. Because it is easy to say that this bill isn't going to cost a dime because somebody can say it isn't going to cost a dime. Well, that is because it is going to cost a trillion dollars instead. And you are clarifying the importance of words here.

But let me ask you this question: Is it true that the policy defines what insurance has to cover? And therefore, does the Federal Government tell you that you have to have this, this, and this in your policy, and therefore force the policy to be changed even if you didn't want to change it?

Mr. GOHMERT. The gentleman asks a good question. I appreciate the question, because once again, that affords great insight. If you look over at page 167 of the bill that was passed in the House, and as best I can tell, even though all we have is the 11-page summary and then the 19-page summary of the summary—

Mr. AKIN. The summary of the summary is longer than the summary of the bill.

Mr. GOHMERT. The gentleman is correct.

Mr. AKIN. So if we had the summary of the summary of the summary, would that be 3,000 pages?

Mr. GOHMERT. Absolutely. We would have even more information. And that would be more helpful. But the best we can tell, since the President did not propose a specific bill, once again very elusive in what is being proposed, page 167 does not appear to have been changed. And that says the commissioner shall specify—that is the Federal commissioner under this bill—the benefits to be made available under the Exchange-participating health benefits plans.

Now, that means every plan that has had a term or condition change or has added an additional insured, those have been lost, and then within a couple of years everybody is under this. So the commissioner shall, one of about 3,000 or so “shalls” in the bill, specify benefits to be made available. And then it goes on and says the entity offers only one basic plan for such service. So the commissioner is going to require that everybody provide exactly the same plan.

Mr. AKIN. So this is a one-size-fits-all.

Mr. GOHMERT. One-size-fits-all for the area.

Mr. AKIN. Then using your logic, the one-size-fits-all then has to change existing policies. And when you change those policies, then you don't have the same policy that you were promised you could keep.

Am I getting the drift of this right?

Mr. GOHMERT. The gentleman is exactly correct.

If you go on further, everybody that is offering insurance in an area has to offer the same exact basic plan. It is a basic plan. And then if an insurance company provides that one basic plan, they may offer one enhanced plan. But again, the commissioner specifies exactly what that plan is. And if you offer an enhanced plan, you may also have one premium plan for such area.

But the bottom line is there will be many areas in the country, once everybody loses their own health insurance within a couple of years, everybody goes under this plan, the commissioner tells everybody what has to be in their plan. Everybody. And you have no choice, you have to go with what they said. And so the other thing is that once an insurance company provides that, they have no flexibility.

Now there is debate about whether or not there would be a public option or a publicly financed insurance company to compete. We know how that works. We saw it with flood insurance. When the Federal Government comes in and provides that alternative, that competition, you run the private insurance companies out of business because the Federal Government operates in the red, run the private businesses out, and then the Federal Government does as our Federal flood insurance program has, continue to run deeper and deeper into red ink.

Mr. AKIN. So you have got one choice. It is a little bit like Henry Ford's automobile. You can get any color you want as long as it's black. In this case, you can get any health insurance you want as long as it's the government policy.

Mr. GOHMERT. The gentleman is correct.

And one of the great ironies in this is we have so many friends across the aisle that I know are very sincere when they believe with all their hearts they want to help what they call the little guy in America. I am sure they haven't read this bill as thoroughly as I have. But if they will trouble themselves to do so, they will see that under the bill that passed the House that we just had to rush through, if you make just above the poverty line as determined in the bill so you don't get free health insurance, but you don't make enough to buy the policy that the Federal Government mandates, you pay an extra percentage, I believe it is 2 percent on your income tax. We are talking about low middle class, some of those folks working two and three jobs just to keep food on the table.

And what is the majority going to do to them? Why, if you can't afford as good a plan as we order you to get, we're going to increase your income tax.

□ 2030

You can't afford insurance, and yet you're going to increase the income

tax? I just know that there are people that care deeply about the poor, those who are the working poor, doing what they can to struggle to get by. And yet they're going to hammer those very people. It's just ludicrous.

Mr. AKIN. So what you are really talking about is a mandate, isn't it? This is a mandate that says that you've got to buy the government product.

Mr. GOHMERT. That's exactly right. And I know the President before us mentioned—well, you know, States require you to buy car insurance. The fact is, you buy insurance for the privilege, as the law has determined, to drive on the road. You don't have to drive just to live in America. If this bill passes, you will have to buy insurance just to live in America, or you will be fined; you will be hammered with the extra amount of money you will have to pay.

And let me finish one other thing about that insurance. There is no State in the United States of America that requires anyone to insure their car for damages to their own car or damages physically to themselves. The only requirement in any State is for insurance to cover against the damage you may do to someone else. So once again, this will be breaking brand-new ground, never done in history, not envisioned by the Constitution, not anywhere in the enumerated powers. You have to buy insurance on yourself just to live. So I yield to my friend.

Mr. AKIN. Well, actually, you got to the point that I was going to ask. I know that you are not only an attorney, but you have also served as a judge, as well as a Congressman that we've come to respect. And so what I was going to ask is, is it constitutional for the Federal Government to tell somebody that they have to buy insurance this way? And what I'm thinking I'm hearing you say is that this would be something, if the Supreme Court would look at it—and I know you don't know exactly how they think or what they're going to rule, but if you use the basis of the Constitution, this would be marginally and maybe not constitutional. Is that what I'm hearing you saying?

Mr. GOHMERT. If the Supreme Court takes a fair and literal look at the Constitution, they will know this was not an enumerated power reserved to the Federal Government. Therefore, under the 10th Amendment, it's reserved to the States and the people.

I would like to point out one other thing. In this article that was already out, that came out so quickly after the President's speech today—it's from CNN. It can be found on the CNN Web site. But they point out that the President is proposing four different things. First of all, combating waste, fraud and abuse, and I will come back to that. But this article says: "Obama is also considering a Republican-supported idea to appropriate \$50 million to help States find alternative resolu-

tions to medical malpractice disputes, including health costs."

Well, when this information came out today during the President's speech, I was in a meeting with about 50 other Republican Members of Congress, and I couldn't believe that statement. He said this was a Republican idea, and he said, You know, we're embracing this Republican idea.

I want to know which one of my moronic Republican friends proposed such a ridiculous program as that. Nobody knew of any Republican who proposed that. I know the President wouldn't lie, but I'm sure there is a Republican somewhere in the country—maybe somebody that deems themselves half socialist, half Republican that proposed this. I can't find anybody who knows of a Member in Congress who has proposed this bill because we don't need to give the Secretary of Health and Human Services \$50 million, \$50 billion or one red dime to come up with a way to help States find alternative resolutions for medical malpractice disputes. That's already in the House bill, and what this provides is a fund for the Secretary of Health and Human Services to bribe States—that's my word. Any State that has a cap on attorneys' fees or a cap on noneconomic damages, the Secretary is authorized to pay whatever sums are necessary, in her opinion, basically to reward a State that gets rid of any caps like that. That's what it boils down to.

Mr. AKIN. That's the punitive damages, right?

Mr. GOHMERT. No. Actually, pain and suffering is noneconomic damages. So attorneys' fees and things like pain and suffering, which is hard to put a figure on.

Mr. AKIN. So we have got not tort reform but reverse tort reform, where the States that have enacted tort reform and have reduced the cost of health care accordingly are now going to be told that they're going to have to reverse that legislation so there is a tort reform. Isn't this the reverse?

Mr. GOHMERT. Well, the gentleman is accurate. It is the reverse, but the States are not going to be told, You have to get rid of your caps. We have already seen in Texas and California medical malpractice insurance rates come plummeting down.

Mr. AKIN. Missouri has enacted the same thing. We've had the same experience. It's dropped the cost of health care.

Mr. GOHMERT. I'm sure the gentleman then would agree there is no need for further study or to try to look for ways to have alternative resolutions to medical malpractice disputes. We've seen what works, and yet it's not going to force States to get rid of their caps on pain and suffering or attorneys' fees. It merely will allow the Secretary of Health and Human Services to generously reward any State that will get rid of their caps on damages and attorneys' fees.

Let me also mention this, that is only one of the proposals. Another is

that health care exchange plans are what is being proposed in this supposedly cut-down bill. The health care exchange plan is the skeletal structure that allows the government to take over health care. So to say it's scaled back, you know, the snake is still in there. It's just going to have to go a little further to bite you. So this is not a good proposal. It's not a fair proposal.

And one other thing in the President's speech that I thought was very unfair, he says, On the other end of the spectrum, there are those—and this includes most Republicans in Congress. Now I prefer to speak for myself and not have somebody who profoundly disagrees with me tell me what I believe. But according to this, the President's speech, this includes most Republicans in Congress who believe the answer is to loosen regulations on the insurance industry.

The gentleman from Missouri and I have been on this floor many times, and in the last 5 years—particularly that I've been here, I know the gentleman's been here longer than I have—but repeatedly I know we have all said, I don't want the government between me and my doctor, and I want the insurance company restricted so they're not between me and my doctor. I don't want the insurance company to just run amok and run wild. I want us to get back to a doctor-patient relationship.

So when somebody speaks for us and in the next paragraph, the President says, I don't believe—as opposed to the crazy Republicans he mentioned in paragraph four—I don't believe we should give government bureaucrats or insurance company bureaucrats more control over health care in America, we've been saying that same thing for years. We agree on that. We don't want the government, we don't want insurance companies to have more control over our health than we do. It's time to put the patients back in charge.

Mr. AKIN. Didn't you start by saying that there is this sort of fallacious line of reasoning where you create a straw horse; is that correct?

Mr. GOHMERT. Yeah, I called it a straw dog. A straw horse, I have heard that used as well.

Mr. AKIN. A straw dog or a straw horse. And you say that your opponents think this, and then you beat it up. Yet you and I have been here. I have been a Republican now—this is my 10th year. I have never heard Republicans say, We want to reduce or relax what health insurance companies are doing. We've been railing on the fact that we don't want them to get somebody who is not a medical person between a doctor and a patient. We've been trying to defend that point, and certainly we wouldn't do what this bill does, which allows an insurance company to get between a doctor and a patient, make a medical decision in practice and then not be held accountable for that decision.

I don't know where the President comes up with this idea or who it is who writes the speeches for him, but it just isn't really true.

Mr. GOHMERT. Well, I would direct your attention to the Declaration of Health Care Independence. I know my friend Mr. AKIN was there when we unveiled that declaration here in the Capitol when I think we've got 100 or more Members of Congress that have signed on to that. There are thousands and thousands of people across the country that have gone online and looked for a Declaration of Health Care Independence and found Web sites where they could sign on so that people could keep building the pressure.

So the truth is, I'm very gratified by some of the comments the President made here because, once again, he is embracing many of the things that we have had in this Declaration of Health Care Independence for some time. And the wonderful thing about these 10 points that we asked people to pledge who signed this is that the President has already said that he supports these things. I would just like to run through these 10 again.

Number one, protect the vital doctor-patient relationship. As the President should know, we have signed a pledge to that effect. That's what we want. So we're gratified to see him include it in his speech today, but we've been there. We were hoping we could get him to sign it before now to join with us to show that we are of one accord. I yield to my friend.

Mr. AKIN. But the problem is, it's one thing with lip service to say that you like the doctor-patient relationship. It's another thing to try to substitute a bureaucrat in between that relationship. And that's what we've been objecting to all the way along.

Mr. GOHMERT. Well, and I heard the brilliant gentleman Frank Luntz at a focus group that analyzed the summit. Fifteen of the people in there had voted for President Obama, 15 of them had voted for JOHN MCCAIN, and it was interesting to hear some of the observations. I loved what one gentleman said. He didn't sound like a lawyer. He just sounded like a good commonsense person. He said, I just know that I have never been in a government office in line to get some service and seen a government employee come running out and say, Let me open another window. This line is too long. But he said, You know, we've seen that in private businesses because if you make somebody wait in the line too long, they'll go to the next business and not stay in your business. And his point was, he did not want those people who would not come around and open an extra window to be the ones that are in charge of his health care. I thought it was a beautiful point.

Mr. AKIN. It paints a vivid picture. And as much as you and I have always railed against insurance companies making health care decisions, that's not quite so bad, because if you don't

like the insurance company, you can change to a different insurance company. You might have to change your job to do it. But you can change your insurance company. It's not so easy to change the U.S. Federal Government.

Mr. GOHMERT. Well, we sure know about that, don't we.

Number two on the list of pledges is, Reject any addition to the crushing national debt heaped upon all Americans. And I know there's been—in the summit there are all these wonderful, glowing things that were said about the Congressional Budget Office, CBO. Everybody talks about the CBO scoring. Well, the CBO scoring says this. CBO scoring is sacrosanct, and I know people have paid great tribute to it. But I still remember last year when the President was not happy with CBO and called the Director over to the White House. There was a little woodshedding that apparently went on. We were not allowed to see that on C-SPAN. That would have been a real interesting conversation.

Mr. AKIN. I bet you a lot of people would have wanted to tune in on that.

Mr. GOHMERT. I sure would have tuned in to watch that. But of course if it had been on C-SPAN, the content of the conversation may have been a whole lot different. But we do know what has occurred in this Congress since last year. Now, it bugs me to no end to continue to hear, as I did—and I heard a friend from across the aisle say in just a ridiculous misrepresentation that the Republicans—again, they don't have any plans. They don't want any changes. That is absolutely ridiculous.

In our Republican Study Committee—the more conservative of the Republican Members of Congress is generally the way it's touted. There are Republicans that aren't conservative that aren't part of the RSC. But we have just a summary of 70 bills to help reform health care, not to give more control to the insurance companies, not to give more control to government, but to help reform health care so that it's patient controlled, and it's affordable, accessible, all of these things.

□ 2045

These are real bills. They have numbers on them. Let me just share with you, I had addressed I guess probably around November the fact that I had been trying to get my health care bill scored since August. I realize who is in the majority and with that comes lots of privilege. We sure know about that. It is hard to get a meeting room, the kind we used to have, and the kind we used to provide to the other side, just to have a meeting. But we do with what they allow us to have. But we can meet outside. That doesn't stop us from doing what we need to do.

But when it comes to CBO, I appreciated getting a call from the Director of CBO and I appreciated all of the glowing things that were said about

the wonderful bipartisan gentleman he is, but the trouble is you have to look at what has been produced since that woodshedding at the White House. I really do believe he wants to be fair, and I really believe he thinks he is fair. But when it comes to health care bills, there have been 50 bills that have been formally scored that are Democrat-requested scores for their bills, and there have been six Republican bills formally scored. We have been able to get about one-tenth of the bills scored that the Democrats have. I have been trying since August. I made the request in writing of CBO back in August.

Then eventually I am told, well, you don't have the highest ranking Republican on the committee of jurisdiction requesting it. So I talked to JOE BARTON, our highest ranking member of the Energy and Commerce Committee where Chairman WAXMAN rammed this thing through the committee. He sent a letter requesting that CBO score my bill. We waited awhile. Okay, do you have it in the works? Is it coming? Then we were told you don't have a request from the highest ranking Republican on the Joint Tax Committee. So I asked DAVE CAMP, a wonderful colleague. DAVE said absolutely. He shoots a letter over to CBO and says score GOHMERT's bill. That was back in September. And since then, on a spur of the moment, it could be a Democratic Senator or the Speaker or Chairman WAXMAN or somebody down here, man, they request one, they won't even have a full bill, and until just last week when they were given an 11-page summary and 19-page summary of the summary, thank God CBO finally did the appropriate thing and said that we can't score a summary and a summary of a summary. We don't have enough to work with to give you a score. Thank goodness they finally said that, because they have sure scored some stuff that wasn't appropriate to be scored.

Mr. AKIN. And yet they have still not scored your bill that has been sitting there since last summer.

Mr. GOHMERT. And they have still not scored my bill. I would go ahead and point out that it is not just in health care that CBO has scored 50 Democratic bills and six Republican bills, which does not include mine, despite the efforts and the requests from the highest ranking Republicans. From the legislation that has formally been scored by CBO in the 111th Congress, there have been a total of 530 bills scored; 442 of those were Democratic bills and 88 were Republican bills.

So I appreciate very much the Director of CBO, Mr. Elmendorf. He sounds very sincere that he is doing everything that he can to be fair and objective. But you as the CBO Director, knowing that you really probably would rather not be woodshedded again at the White House and knowing that if you do not allow any of these wonderful Republican ideas to be scored, you can profoundly change the discussion on health care in America. You can



prevent some of the best ideas in America on health care that didn't just come from the people whose names are on the bill. The ideas on my health care bill, they came from brilliant people from around the country who have dealt with the issue. I appreciate Newt Gingrich sending friends of his over, some of the brightest minds on health care helping come up with some of the best proposals. I appreciated Newt's help and those he sent over. And now you get a score and see what you've got. I appreciated his direction. I can't get a score because the so-called fair and objective CBO wants to score 50 Democratic bills, six Republican bills, and one of those will not be mine. It could make a difference.

Now I realize, and I have waited a long time to get loud and vocal about the ignoring that Republicans have had from CBO because I know by making such a big deal about their lack of objectiveness in the number of Republican bills scored by CBO that I am inviting CBO to come in, and there are so many variables in any bill, Democrat or Republican, where they can take a presumption and that presumption can just run the cost right through the roof or run it right down through the floor, and that is all dependent upon the presumptions that they make. So I realize by coming forward there is a good chance that if one day a rather angry and upset CBO finally gets around to scoring my bill, they are probably going to fix my wagon. I understand that. I understand that the presumptions might not be what they should be in order to give the bill a proper scoring to my way of thinking, but I just felt like we had to say something to point out that the emperor doesn't have the beautiful set of clothes that everyone is going around saying he has. There is a lack of objectivity certainly in the bills that are being scored.

Mr. AKIN. That makes it awfully awkward, because let's say that some of these bills were scored. You know this well, some of these bills would save a lot of money. And somebody is going to ask: We have a President who wants to spend a trillion dollars at the cost of \$5 million in jobs to pass a government takeover of health care, and the Republicans have a plan that is actually going to cut the cost of health care, doesn't have tax increases in it, why not take the less expensive plan? Somebody is going to ask that question. But it is a lot easier if the Republican bills have not had a chance to be scored.

Interestingly, there is a guy who is scoring the President's bill who is not CBO, and he is a Democrat. I don't know if you have heard of him, but he is the Democratic Governor of Tennessee. Why would he say anything bad about the Democrats' health care bill, the President's health care bill? The reason is because, guess what, Tennessee is going to have to pay for this government takeover of health care.

That trillion dollar price tag that CBO hooked on this bill is not all the cost because some of it is hidden. And guess who is going to pick up some of the pieces of that, it is going to be the various States, and the various States like Tennessee that have tried this government-run scheme of health care. They know it is a disaster. It wrecked health care in Tennessee and Massachusetts. It ran the cost of health care in Tennessee and Massachusetts way up. So that Democrat Governor, who also could be taken to the woodshed, says no, this is a bad idea. This is going to be very expensive, and States have balanced budgets, how are we going to pay for this thing.

So there is somebody that is scoring the bill and it is not CBO; it is a Democrat. And he is saying no, it is too expensive.

Mr. GOHMERT. I appreciate that observation from my friend from Missouri. I would like to finish the declarations, the pledges that he and I have both made.

Number 3 is improve, rather than diminish, the quality of care that Americans enjoy.

Now, we have heard so many horror stories, terrible situations where someone did not get proper health care. And nobody wants to see that happen. But despite the problems, most of us here contend that we have the best health care available of anywhere in the world. It is right here in America. We saw a good example of that after years and years of hearing some friends say we need to have a health care system like Canada. We need to have a health care system like England. Well, you start hearing stories like the secretary in Tyler. She told me she immigrated from England. She said her mother had cancer in England. And what happens in that scenario, you are put on a list. You are put on a list to get a mammogram, to have surgery, a biopsy, to get radiation or chemo. Whatever you are going to get, you are put on a list. She said my mother died from cancer not because it was not curable, but because she lived in England.

She said I was found to have cancer. I didn't have to wait on some list to get it taken care of. She said I know I'm alive because I moved to America and didn't stay in England, which brings me to an article in February. This was from the National Post, "Newfoundland Premier Danny Williams will undergo heart surgery later this week in the United States. Mr. Williams, 59, has said nothing of his health in the media. The Premier's press secretary confirmed the report Monday evening. Deputy Premier Kathy Dunderdale confirmed the treatment at a news conference Tuesday, but would not reveal the location of the operation or how it will be paid for. Ms. Dunderdale will become acting Premier while Williams is away. He is expected to be away from 4 to 6 weeks. For many, the Premier's need for heart surgery comes as a surprise, especially

in light of the fact that he is an avid hockey player and has shown no outward signs of illness as of late. On Friday, Mr. Williams met with Prime Minister Stephen Harper and while speaking to reporters seemed healthy and in good spirits. A decision to leave Canada for the surgery, especially if it is available here, raises questions about the Premier's confidence in Newfoundland's health care system."

So you have a Premier from Canada, his health care is important to him. He wants to keep being the Premier, and so he comes to the United States, or already has. As I understand it, he already has had the surgery here in the United States. We have the best health care that has ever been anywhere in the world in time or in geography. It's here.

Mr. AKIN. You are making a point here, my friend. I don't know if you knew that you left off to preaching and went on to meddling, because when you talk about cancer, I am a cancer survivor myself.

If you take a look at cancer survival rates in England, you find they tend to be about 20 percent worse than they are in America. Why is that? Well, you have explained it very accurately, and that is cancer is particularly sensitive. When you diagnose it, you want to get to it quickly before it spreads or gets too bad. The idea of putting someone on a long waiting list is deadly when you are dealing with cancer.

So if you have cancer, you have a much, much higher percent of dying from that if you are in Canada or particularly in England, and it is because of the waiting list. Governments have a little bit of sensitivity to them. Instead of telling you that they are going to deny your health care, they say no, you have to get in line. You can get a free Caesarian section; you just have to wait 12 months. But I needed it in 9. Well, that is a problem, isn't it.

So what you are talking about is a sensitive subject to me because I had cancer in this country. When they discovered it, I thought it was time to take care of it right away and so did the doctor and so did the hospital. I had it on spring break. I had an operation to try to get rid of the cancer back 9 years ago, my very first spring break down here.

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But in America, when you get cancer, something the doctor says is, it's time to move, let's go. That's why we have such better survival rates, and that's why the guy from Canada wants to come here to get health care.

Mr. GOHMERT. Well, and it is so important that people understand that. To say that no one will be denied care or coverage is accurate to a point, but the fact is they're told in Canada and England, gee, we're not going to deny you treatment or care, we just have to put you on this list.

The gentleman brings up an important point about how much greater the

survivability rates are in the United States from diseases like cancer, but some want to try to compare apples and onions and say they both taste and smell alike when they're not at all the same. The fact is, when you hear some people say, well, in this country—England, Canada, you know, these other countries—they apparently have much better health care, even though they have government-run health care, because people have a longer average life span. Well, that's not exactly fair to put that on the health care in the country because it's sad, but true, when you make those comparisons, we have a much higher murder rate in America than they do in England or Canada. Those numbers go into the statistics.

Another involves what was explained by a health care expert that most countries do not include preemies, premature babies, the death of premature babies in their numbers. Well, we sure do here because every little baby born counts, premature or otherwise, unless it's one of those horrible tragedies where somebody aborts a baby and realizes they're alive and goes ahead and takes action to make sure they're killed or allowed to die on their own without proper care.

But number four on the pledges of the Declaration of Health Care Independence is, "Be negotiated publicly, transparently, with genuine accountability and oversight and be free from political favoritism." Well, we saw an effort last Thursday at the summit to look like there was going to be a publicly, transparently negotiated health care bill, but the President announced beforehand, here's the bill we're going with and the summary of what we're going to do to that, and the summary of the summary. It had all been negotiated behind closed doors. You had a union representative, an AARP representative who said, oh, we've already worked this out in secret behind closed doors where nobody saw what was negotiated. Now we're going to bring the Republicans in and put a little window dressing on it.

Well, I don't know how many people or Members of Congress who are certified as mediators or have been through the certification process. It's pretty extensive to become an arbitrator, an international arbitrator, but I've been through those processes. And I can tell you that what happened last Thursday was not a negotiation or a mediation. It was structured to look like perhaps it was, with the President being the objective and all-caring mediator in the middle, but the trouble is the mediator kept cutting off one side when they said something that he didn't want to go there.

I'll tell you the most gratifying comment to me that just touched me deeply—and I was so proud of the President because it meant a lot to me to hear him realize this—when JOHN MCCAIN was speaking and the President pointed out that the President had finally real-

ized, for the first time since November of 2008, that we're not campaigning anymore. That meant a lot to me that the President finally realized it was time for him to quit campaigning and actually work on the bills rather than the campaign. But then, after that I read this weekend that the White House is already preparing the next campaign for 2012, so apparently maybe it only lasted a day or two they weren't campaigning.

But number five, "Treat private citizens at least as well as political officials." Well, Americans weren't fooled, went in—and this is just one volume; there are four volumes of this, the House bill, and I don't have time to pull out the other—but in there, to address America's concern that Congress was being treated more specially than rank-and-file citizens, they added a line in there that said, Under the Federal Insurance Exchange program, that Members of Congress may be covered under that if they want to be. Most people, no matter how low you read what was in the bill, they pick up on that pesky little word "may."

Mr. AKIN. You know, it's sort of a "shall" bill.

Mr. GOHMERT. Over 3,000 "shalls," but that was a big little "may" there.

Mr. AKIN. One little "may" sitting in there. And the American public picks up on that and says, well, maybe you're not that sure that this bill is such a good thing. It doesn't seem like it's good for you guys.

I think you have really been pretty humble here in talking about that Declaration of Health Care Independence because you're one of the people that wrote it, and you're laying out those basic principles.

I had a chance to speak this last weekend to a pretty good size crowd back in St. Louis, and one of the things that I wanted to talk about or mention was the fact that if Republicans have made the mistakes, it seemed to me we have made just one mistake, but we make it over and over, and that is when we don't stick to basic principles that we believe in.

What you took time to do, gentleman—and I want to just let people know that the guy from Texas that worked on writing this declaration of health care rights, what you're doing is you're laying out these basic principles. You talk about transparency; that's something that is supposed to have been promised to us. You talk about if it's good enough for everybody else, it ought to be good enough for those of us in Congress. That's kind of a basic principle you're talking about that you should not get in the way of the doctor-patient relationship. You're laying out those basic principles in this health care Declaration of Independence, and I think you have—and I was in the meetings where we were writing it too. The point is, other people can write it, other people can sign their name on the bottom, too; isn't that correct?

Mr. GOHMERT. That is absolutely correct.

And we just have a few minutes left, let me finish the 10 here.

Number six, "Protect taxpayers from funding of abortion or abortion coverage." And one might wonder, well, is the President really on board with that? He has said it more than once. He said it standing right there at that podium right behind the gentleman from Missouri that no abortions would be funded by Federal tax dollars. Well, this is just getting him to agree, if he would, to what he said was the real case.

Number seven, "Reject all new mandates on patients, employers, individuals or States." Now, the President, in his speech today, said we want to loosen all the controls on insurance. No, we want to loosen the controls on patients; that's what we want to loosen. Patients need more control, not the insurance companies and not the government.

And then eight, "Prohibit expansion of taxpayer-funded health care to those unlawfully present in the United States." One of the things in my bill, if you're going to get a visa to come into this country, then you will do—and some countries already require it—then you have to show that you will have health care insurance coverage while you're in this country or you don't get a visa. And if your health care insurance expires while you're here, the visa does too—you've gotta go.

It also provides that since we've been told there are probably 1.5 billion people in the world that would love to emigrate to the United States—and that would destroy this country because we can't handle that many immigrants, even temporarily. We can't let people bankrupt this country, and therefore, another provision in my bill says, if you're illegally in this country and you present for health care—we believe in following the law, the courts have said it, we believe we've followed the law—we will provide you health care coverage even if you're illegally here that one time. And when you're well enough to travel, you're going to be deported. And if you're ever found back in this country again after you were here illegally and got free health care, it's a prison sentence. We can't let people bankrupt this country or there is no hope for those other 1.5 billion that want to at least come here at some point.

And then number nine, "Guarantee equal protection under the law and the Constitution."

Ten, "Empower, rather than limit, an open and accessible marketplace of health care choice and opportunity."

I know the Speaker knows that we begin our practice every day with prayer, and that it goes back to 1787—I believe it was June 28 at the Constitutional Convention. They had gone on for about 5 weeks and accomplished nothing. And some people say Ben

Franklin was a deist. He said these words: "I have lived, sir, a long time. And the longer I live, the more convincing proofs I see of this truth: God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid?"

He went on, and Franklin said, "We have been assured, sir, in the sacred writing that except the Lord build the house, they labor in vain that build it." He said, "I firmly believe this. And I also believe that without His concurring aid we shall succeed in this political building no better than the builders of Babel." And he went on to speak longer and then said, "I, therefore, move henceforth we begin every day with prayer in this room." And from that day, June 28, 1787, to this day today that we are about to wrap up, we begin with prayer.

So America works when people let their elected representatives hear from them and let them know their mind. It works when we do what Ben Franklin suggested. That doesn't sound like a deist.

With that, Mr. Speaker, I yield back.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. BERKLEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, March 10.

Mr. JONES, for 5 minutes, March 10.

Mr. MORAN of Kansas, for 5 minutes, March 10.

Mr. THOMPSON of Pennsylvania, for 5 minutes, today.

#### BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on March 2, 2010 she presented to the President of the

United States, for his approval, the following bills.

H.R. 4961. To provide a temporary extension of certain programs, and for other purposes.

H.R. 1299. To make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Thursday, March 4, 2010, at 10 a.m.

#### BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 2544, the National Association of Registered Agents and Brokers Reform Act of 2010, for printing in the CONGRESSIONAL RECORD.

#### ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 2544, AS AMENDED

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	Net Increase or Decrease (–) in the Deficit												
Statutory Pay-As-You-Go Impact .....	0	–4	–3	0	0	0	0	0	0	0	0	–7	–7

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6352. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Defense Advanced Research Projects Agency, Case Number 07-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6353. A letter from the Under Secretary, Department of Defense, transmitting requests for remediation on U.S. foreign training sites regarding used depleted uranium weapons; to the Committee on Armed Services.

6354. A letter from the Assistant Secretary, Navy, Department of Defense, transmitting the Department's annual report listing all repairs and maintenance performed on any covered Navy vessel in any shipyard outside the United States or Guam during the preceding fiscal year; to the Committee on Armed Services.

6355. A letter from the Under Secretary, Department of Defense, transmitting the Department's quarterly report entitled, "Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account", for the period ending December 31, 2009, pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

6356. A letter from the Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's semi-annual Implementation Report on Energy Conservation Standards Activities, pursuant to Section 141 of the En-

ergy Policy Act of 2005; to the Committee on Energy and Commerce.

6357. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's final rule — Health Information Technology: Initial Set of Standards, Implementation Specifications, and Certification Criteria for Electronic Health Record Technology (RIN: 0991-AB58) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6358. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 09-28, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6359. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 09-03, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6360. A letter from the Deputy Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Addition to the List of Validated End-Users in the People's Republic of China (PRC) [Docket No.: 0908111226-91431-01] (RIN: 0694-AE70) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6361. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys: BE-10, 2009 Benchmark Survey of U.S. Direct Investment Abroad [Docket No.: 090130089-91425-02] (RIN: 0691-AA71) received January

19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6362. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, and Executive Order 13346 of July 8, 2004, certification pursuant to Condition 7(C)(i), Effectiveness of the Australia Group; to the Committee on Foreign Affairs.

6363. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Pursuant to section 702 of the Foreign Relations Authorization Act for FY 2003 (Pub. L. 107-228), a report on the 2009 U.S.-Vietnam Human Rights Dialogue Meetings; to the Committee on Foreign Affairs.

6364. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's report on its fiscal year 2009 Competitive Sourcing efforts, as required by Section 647(b) of the Consolidated Appropriations Act, FY 2004; to the Committee on Oversight and Government Reform.

6365. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6366. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6367. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6368. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6369. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6370. A letter from the Director, Office of National Drug Control Policy, transmitting update to the September 2009 final addendum for the Fiscal year 2008 Performance Summary Report; to the Committee on Oversight and Government Reform.

6371. A letter from the Chief Operating Officer, President, Resolution Funding Corporation, transmitting a copy of the Resolution Funding Corporation's Statement on the System of Internal Controls and the 2009 Audited Financial Statements; to the Committee on Oversight and Government Reform.

6372. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XT97) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6373. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Western Pacific Fisheries; Regulatory Restructuring [Docket No.: 071220872-91431-03] (RIN: 0648-AU71) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6374. A letter from the Assistant Chief Counsel, Department of Transportation, transmitting the Service's final rule — Pipeline Safety: Editorial Amendments to the Pipeline Safety Regulations [Docket No.: PHMSA-2009-0265; Amdt Nos. 190-15; 192-111; 195-92, 198-5] (RIN: 2137-AE51) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6375. A letter from the Senior Trial Attorney, Office of Aviation Enforcement, Department of Transportation, transmitting the Department's final rule — Enhancing Airline Passenger Protections [Docket No.: DAT-OST-2007-0022] (RIN No.: 2105-AD72) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6376. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A Model PIAGGIO P-180 Airplanes [Docket No.: FAA-2009-0699 Directorate Identifier 2009-CE-042-AD; Amendment 39-16169; AD 2009-21-08 R1] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6377. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF34-1A, CF34-3A, and CF34-3B Series Tur-

bofan Engines [Docket No.: FAA-2008-0328; Directorate Identifier 2008-NE-44-AD; Amendment 39-16161; AD 2010-01-04] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6378. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, and -800 Series Airplanes [Docket No.: FAA-2008-0669; Directorate Identifier 2007-NM-350-AD; Amendment 39-16166; AD 2010-01-08] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6379. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-300, -400, and -500 Series Airplanes [Docket No.: FAA-2009-0788; Directorate Identifier 2009-NM-193-AD; Amendment 39-16167; AD 2010-01-09] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6380. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus (Type Certificate Previously Held by Airbus Industrie) Model A340-200, -300, -500, and -600 Series Airplanes [Docket No.: FAA-2009-1230; Directorate Identifier 2009-NM-088-AD; Amendment 39-16165; AD 2010-01-07] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6381. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No.: FAA-2009-1226; Directorate Identifier 2009-NM-149-AD; Amendment 39-16164; AD 2008-10-10 R1] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6382. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-200F, 747-200C, 747-400, 747-400D, and 747-400F Series Airplanes [Docket No.: FAA-2009-0655; Directorate Identifier 2008-NM-192-AD; Amendment 39-16157; AD 2010-01-01] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6383. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault-Aviation Model Falcon 7X Airplanes [Docket No.: FAA-2009-1252; Directorate Identifier 2009-NM-248-AD; Amendment 39-16173; AD 2010-02-02] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6384. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan; to the Committee on Ways and Means.

6385. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Industry Directive on Total Return Swaps ("TRSs") Used to Avoid Dividend Withholding Tax [LMSB Control No.: LMSB-4-1209-044] received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6386. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2010-4) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6387. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2010-5) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6388. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2010-6) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6389. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2010-8) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6390. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "Study and Report Relating to Medicare Advantage Organizations As Required by Section 4101(d) of the American Recovery and Reinvestment Act of 2009"; jointly to the Committees on Energy and Commerce and Ways and Means.

6391. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1862-DR for the Commonwealth of Virginia; jointly to the Committees on Homeland Security, Appropriations, and Transportation and Infrastructure.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHAFFETZ (for himself, Mr. ISSA, Mr. PITTS, Mr. HENSARLING, Mr. BISHOP of Utah, Ms. FOX, and Mr. ROONEY):

H.R. 4735. A bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment; to the Committee on Oversight and Government Reform.

By Mr. WILSON of Ohio:

H.R. 4736. A bill to amend the Higher Education Act of 1965 to authorize student loan forgiveness for certain individuals employed in advanced energy professions; to the Committee on Education and Labor.

By Ms. WATERS (for herself, Mr. CAPUANO, Mr. CLAY, Mr. CLEAVER, Mr. ELLISON, Mr. AL GREEN of Texas, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. SCOTT of Georgia, and Mr. WATT):

H.R. 4737. A bill to reauthorize assistance for capacity building for community development and affordable housing under section 4 of the HUD Demonstration Act of 1993, and for other purposes; to the Committee on Financial Services.

By Mr. MCKEON (for himself, Mr. WITTMAN, Mrs. McMORRIS RODGERS, Mr. BISHOP of Utah, Mr. SHUSTER, Mr. AKIN, Mr. FLEMING, Mr. HUNTER, Mr. LOBIONDO, Mr. COFFMAN of Colorado, Mr. TURNER, Mr. WILSON of South Carolina, Mr. PLATTS, Mr. ROONEY,

Mr. CONAWAY, Mr. MILLER of Florida, Mr. FRANKS of Arizona, and Mr. KLINE of Minnesota):

H.R. 4738. A bill to prohibit the use of Department of Defense military installations in the United States, its territories or possessions for the prosecution of individuals involved in the September 11, 2001, terrorist attacks; to the Committee on Armed Services.

By Mr. CAPUANO:

H.R. 4739. A bill to amend the Federal Election Campaign Act of 1971 to reduce the limit on the amount of certain contributions which may be made to a candidate with respect to an election for Federal office; to the Committee on House Administration.

By Mr. COHEN (for himself, Mr. RUSH, Mr. HASTINGS of Florida, Mr. MCGOVERN, Mr. LEWIS of Georgia, Ms. FUDGE, Mr. CLAY, and Mr. BRADY of Pennsylvania):

H.R. 4740. A bill to provide grants to cities with high unemployment rates to provide job training, public works, and economic development programs, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Transportation and Infrastructure, Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH:

H.R. 4741. A bill to amend the Energy Policy Act of 2005 to create the right business environment for doubling production of clean nuclear energy and other clean energy and to create mini-Manhattan projects for clean energy research and development; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself and Mr. REICHERT):

H.R. 4742. A bill to amend the Internal Revenue Code of 1986 to encourage retirement savings by modifying requirements with respect to employer-established IRAs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Mr. SAM JOHNSON of Texas, Mr. BISHOP of Georgia, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 4743. A bill to amend the Internal Revenue Code of 1986 to provide tax benefits to individuals who have been wrongfully incarcerated; to the Committee on Ways and Means.

By Mr. MARCHANT:

H.R. 4744. A bill to require, as a condition for purchase of a home mortgage loan by Fannie Mae or Freddie Mac, and insurance of a home mortgage loan under the National Housing Act, that the mortgagor be verified under the E-Verify program; to the Committee on Financial Services.

By Mr. MOORE of Kansas (for himself, Mr. BISHOP of New York, Mr. PETERS, Mr. TIAHRT, Mr. CLEAVER, Mr. MORAN of Kansas, Mr. MEEKS of New York, Mr. ETHERIDGE, Mr. ARCURI, Mr. PIERLUISI, Mr. JONES, Mr. THOMPSON of California, Mrs. MCCARTHY of New York, Mr. BARROW, Mr. SKELTON, Mr. RANGEL, Ms. JENKINS, Mr. MCGOVERN, and Mr. FILNER):

H.R. 4745. A bill to award a Congressional Gold Medal in honor of the recipients of as-

sistance under the Servicemen's Readjustment Act of 1944 (commonly referred to as the "GI Bill of Rights") in recognition of the great contributions such recipients made to the Nation in both their military and civilian service and the contributions of Harry W. Colmery in initiating actions which led to the enactment of that Act, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUGEBAUER:

H.R. 4746. A bill to amend the Internal Revenue Code of 1986 to prevent pending tax increases, and for other purposes; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 4747. A bill to amend the Controlled Substances Import and Export Act to prevent the use of Indian reservations located on the United States borders to facilitate cross-border drug trafficking, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS (for himself, Mr. THOMPSON of Mississippi, Mrs. MCMORRIS RODGERS, Mr. PASCRELL, and Ms. KAPTUR):

H.R. 4748. A bill to amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counternarcotics strategy, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of North Carolina (for himself, Mr. CASTLE, Ms. SHEA-PORTER, Mr. PLATTS, Mr. CAPUANO, and Mr. OWENS):

H.R. 4749. A bill to amend the Federal Election Campaign Act of 1971 to require personal disclosure statements in all third-party communications advocating the election or defeat of a candidate, to require the disclosure of identifying information within communications made through the Internet, to apply disclosure requirements to prerecorded telephone calls, and for other purposes; to the Committee on House Administration.

By Mr. SCHAUER (for himself, Mr. McMAHON, Ms. DEGETTE, Ms. SCHAKOWSKY, Mr. CONNOLLY of Virginia, and Ms. SUTTON):

H.R. 4750. A bill to amend the Federal Meat Inspection Act and Poultry Products Inspection Act to improve food safety by supporting efforts by entities that purchase beef, pork, or poultry products to further examine the products to ensure they remain safe for human consumption and to prohibit interference with such examination efforts, and for other purposes; to the Committee on Agriculture.

By Mr. TONKO (for himself, Mr. DAVIS of Illinois, and Ms. BERKLEY):

H.R. 4751. A bill to amend the Internal Revenue Code of 1986 to encourage the deployment of highly efficient combined heat and power property, and for other purposes; to the Committee on Ways and Means.

By Mr. WELCH (for himself, Mrs. EMERSON, Ms. SCHAKOWSKY, Mr. SALAZAR, Mr. GRUJALVA, Mr. HINCHEY, Mr. CONYERS, Mr. WILSON of

Ohio, Ms. BALDWIN, Mr. HODES, Ms. TITUS, Mr. TAYLOR, Mr. ELLISON, Mr. MOORE of Kansas, Ms. SCHWARTZ, Mr. LIPINSKI, Mr. JOHNSON of Georgia, Mr. MCGOVERN, Mr. OLIVER, Mr. LANGEVIN, Mr. WU, Mr. KLEIN of Florida, Ms. PINGREE of Maine, Ms. KAPTUR, Ms. HARMAN, Mr. LOEBACK, Ms. WASSERMAN SCHULTZ, Mr. NADLER of New York, Mr. HALL of New York, Mr. OBERSTAR, Mr. BRALEY of Iowa, Mr. HARE, Mr. HEINRICH, Mrs. CAPPS, Ms. SUTTON, Mr. STUPAK, Mr. ARCURI, Ms. SHEA-PORTER, Mr. CARDOZA, Mr. DEFazio, Mr. RYAN of Ohio, Mr. CARNEY, Mr. VAN HOLLEN, Mr. KAGEN, Mr. BOSWELL, Mr. DOYLE, Mr. ISRAEL, Mr. DELAHUNT, Mr. BISHOP of New York, Ms. DELAURO, Mr. MICHAUD, Mr. BERRY, Mr. CAPUANO, Mr. CHANDLER, Mr. MARKEY of Massachusetts, Mr. KILDEE, Mr. FILNER, Mr. CARNAHAN, Mr. WEINER, Mr. MCDERMOTT, Mr. YARMUTH, Ms. WOOLSEY, Mr. FARR, Mr. LARSEN of Washington, Mr. KENNEDY, Mr. COURTNEY, Mr. SCOTT of Virginia, and Ms. KILROY):

H.R. 4752. A bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HENSARLING (for himself, Mr. PENCE, and Mr. CAMPBELL):

H.J. Res. 79. A joint resolution proposing an amendment to the Constitution of the United States to control spending; to the Committee on the Judiciary.

By Ms. BALDWIN (for herself, Mr. TOWNS, Mr. GENE GREEN of Texas, and Mr. SESSIONS):

H. Con. Res. 246. Concurrent resolution supporting the goals and ideals of World Glaucoma Day; to the Committee on Energy and Commerce.

By Mr. BROWN of Georgia:

H. Res. 1135. A resolution amending the Rules of the House of Representatives to require that Members take the same annual ethics training as senior staff; to the Committee on Rules.

By Mr. BISHOP of Utah (for himself, Mr. CHAFFETZ, and Mr. MATHESON):

H. Res. 1136. A resolution recognizing the 100th anniversary of the establishment of the McKay-Dee Hospital in northern Utah; to the Committee on Energy and Commerce.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Ms. MATSUI and Mr. NEAL of Massachusetts.

H.R. 272: Mr. BACHUS.

H.R. 303: Mr. SCHRADER.

H.R. 336: Mr. PAYNE and Mr. HALL of New York.

H.R. 442: Mr. GARRETT of New Jersey and Mr. RAHALL.

H.R. 476: Ms. WOOLSEY.

H.R. 484: Mr. MORAN of Kansas, Mr. HASTINGS of Florida, and Mr. OBERSTAR.

H.R. 606: Ms. LEE of California.

H.R. 622: Mr. MURPHY of New York.

H.R. 1079: Mr. HILL.

H.R. 1082: Mr. CAPUANO.

H.R. 1169: Mr. MICHAUD.

H.R. 1210: Ms. MCCOLLUM and Mr. LARSEN of Washington.

H.R. 1289: Mr. BAIRD.  
H.R. 1324: Mr. ROSS.  
H.R. 1458: Mr. ACKERMAN, Mrs. MALONEY, Mr. MCGOVERN, and Mr. SIRE.  
H.R. 1523: Ms. CHU.  
H.R. 1587: Mr. JONES.  
H.R. 1751: Ms. NORTON.  
H.R. 1806: Mr. HOLDEN, Mr. RUPPERSBERGER, and Ms. JACKSON LEE of Texas.  
H.R. 1835: Mr. BOSWELL, Mr. ADLER of New Jersey, and Mr. HOLT.  
H.R. 1875: Mr. HARE, Mr. KAGEN, and Mr. PERRIELLO.  
H.R. 1884: Mr. ROTHMAN of New Jersey.  
H.R. 2089: Ms. SCHAKOWSKY.  
H.R. 2110: Mr. CRENSHAW.  
H.R. 2132: Ms. NORTON.  
H.R. 2149: Mr. BISHOP of Georgia and Ms. SPEIER.  
H.R. 2156: Ms. CORRINE BROWN of Florida and Ms. NORTON.  
H.R. 2305: Mr. PRICE of Georgia.  
H.R. 2377: Mr. UPTON, Mr. CONAWAY, Mrs. MILLER of Michigan, and Mr. PERRIELLO.  
H.R. 2478: Mr. MCNERNEY.  
H.R. 2515: Ms. NORTON.  
H.R. 2565: Mr. BROWN of South Carolina.  
H.R. 2672: Ms. JACKSON LEE of Texas.  
H.R. 2695: Mr. SESTAK.  
H.R. 2782: Mr. PETERSON.  
H.R. 2819: Ms. RICHARDSON.  
H.R. 2906: Mr. KAGEN and Mr. DRIEHAUS.  
H.R. 3001: Ms. NORTON.  
H.R. 3017: Ms. MARKEY of Colorado.  
H.R. 3043: Mr. GENE GREEN of Texas.  
H.R. 3077: Mr. GARAMENDI and Ms. NORTON.  
H.R. 3100: Ms. SCHAKOWSKY.  
H.R. 3147: Mr. MEEKS of New York, Mr. BERMAN, and Ms. NORTON.  
H.R. 3202: Mr. BISHOP of New York.  
H.R. 3268: Ms. BEAN.  
H.R. 3339: Mr. BAIRD and Mr. TEAGUE.  
H.R. 3343: Mr. COURTNEY.  
H.R. 3351: Mr. KAGEN and Mr. PETERS.  
H.R. 3380: Mr. HOLT.  
H.R. 3486: Mr. HOEKSTRA.  
H.R. 3488: Mr. FILNER and Mr. NADLER of New York.  
H.R. 3519: Ms. MCCOLLUM and Mr. OWENS.  
H.R. 3564: Mr. SCOTT of Virginia.  
H.R. 3666: Mr. POE of Texas and Mr. MURPHY of Connecticut.  
H.R. 3697: Mr. SIMPSON.  
H.R. 3712: Mrs. EMERSON, Mr. GARY G. MILLER of California, Mr. BISHOP of Georgia, Mr. UPTON, Mr. CASTLE, and Mr. PETRI.  
H.R. 3715: Mr. GERLACH.  
H.R. 3720: Mr. GRAVES.  
H.R. 3731: Mr. WEINER, Mr. BERMAN, Mr. GARAMENDI, Mr. RANGEL, Mr. LEWIS of Georgia, Ms. WATERS, Mr. GRAYSON, Ms. WATSON, Mr. SCOTT of Virginia, Mr. FALEOMAVAEGA, Mr. NADLER of New York, Mr. TOWNS, Ms. KILPATRICK of Michigan, Mr. ARCURI, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BUTTERFIELD, Mr. KAGEN, Mr. CLEAVER, and Mr. POLIS of Colorado.  
H.R. 3745: Ms. ZOE LOFGREN of California and Mr. MARKEY of Massachusetts.  
H.R. 3790: Mr. SIRE, Ms. KOSMAS, Mr. BISHOP of Utah, and Mr. THORNBERRY.  
H.R. 3799: Ms. WOOLSEY.  
H.R. 3839: Mr. COURTNEY and Mr. ISRAEL.  
H.R. 4038: Mr. SHIMKUS.  
H.R. 4058: Mr. LARSEN of Washington.  
H.R. 4088: Mr. TIAHRT and Ms. SCHAKOWSKY.  
H.R. 4098: Ms. NORTON.  
H.R. 4129: Ms. SCHAKOWSKY and Mr. BOREN.  
H.R. 4140: Mr. CAPUANO.  
H.R. 4149: Mr. POLIS of Colorado.  
H.R. 4150: Mr. BURGESS.  
H.R. 4189: Mr. JONES.  
H.R. 4229: Mr. WILSON of Ohio, Mr. MEEKS of New York, Mr. MOORE of Kansas, and Mr. PUTNAM.  
H.R. 4267: Mr. TIAHRT.  
H.R. 4274: Mr. BOUCHER and Mr. WEINER.  
H.R. 4278: Mr. KIND.

H.R. 4306: Mr. CRENSHAW.  
H.R. 4318: Ms. NORTON.  
H.R. 4320: Mr. ISRAEL, Ms. KILPATRICK of Michigan, Mr. GRAYSON, Mr. ROTHMAN of New Jersey, Mr. COHEN, Mr. OWENS, and Ms. SHEA-PORTER.  
H.R. 4332: Mr. KILDEE.  
H.R. 4351: Mr. PERRIELLO and Mr. ARCURI.  
H.R. 4359: Mr. ARCURI.  
H.R. 4371: Mr. TAYLOR, Mr. ROONEY, Mr. TEAGUE, Mr. BOYD, and Mr. PUTNAM.  
H.R. 4399: Mr. WEINER.  
H.R. 4400: Ms. ROS-LEHTINEN.  
H.R. 4426: Ms. BALDWIN.  
H.R. 4427: Mr. FLEMING.  
H.R. 4430: Mr. PITTS, Mrs. SCHMIDT, Mr. LATTI, Mr. MARCHANT, Mr. DAVIS of Kentucky, Mr. LAMBORN, Ms. FALLIN, Mr. GINGREY of Georgia, Mr. LUETKEMEYER, Mr. HUNTER, Mrs. LUMMIS, Mr. CONAWAY, Mr. OLSON, Mr. PENCE, Mr. KING of Iowa, Mr. FRANKS of Arizona, Mr. MORAN of Kansas, Mr. JONES, Mr. GARRETT of New Jersey, Mr. ROGERS of Kentucky, Mr. BROUN of Georgia, and Mr. FORBES.  
H.R. 4466: Mr. LEE of New York.  
H.R. 4472: Mr. PAULSEN.  
H.R. 4502: Ms. SCHAKOWSKY.  
H.R. 4505: Ms. BERKLEY, Mr. TIAHRT, and Mr. MINNICK.  
H.R. 4538: Ms. SCHAKOWSKY.  
H.R. 4541: Mr. LINCOLN DIAZ-BALART of Florida.  
H.R. 4556: Mr. HASTINGS of Washington.  
H.R. 4573: Mr. DRIEHAUS, Mr. ELLISON, Mr. BISHOP of Georgia, Ms. CASTOR of Florida, Mr. LARSEN of Washington, Mr. ROTHMAN of New Jersey, Ms. BALDWIN, Ms. DELAULO, Mr. ENGEL, Mr. JOHNSON of Georgia, and Mr. DAVIS of Illinois.  
H.R. 4586: Mr. CULBERSON.  
H.R. 4588: Mr. BURTON of Indiana, Mr. POE of Texas, Mr. CHAFFETZ, Mr. POSEY, Mr. MANZULLO, Mr. AKIN, Mr. PITTS, Mr. LAMBORN, Mr. MARCHANT, Mr. LATTI, Mrs. BLACKBURN, Mr. GINGREY of Georgia, Mr. BRADY of Texas, Mrs. MYRICK, Mr. CONAWAY, Mr. GOHMERT, and Mr. BISHOP of Utah.  
H.R. 4598: Mr. PERLMUTTER, Mr. LUJÁN, and Ms. KILROY.  
H.R. 4621: Ms. ROYBAL-ALLARD, Mr. ISSA, and Mr. CHAFFETZ.  
H.R. 4629: Mr. SCHAUER.  
H.R. 4638: Mr. PUTNAM.  
H.R. 4649: Ms. LORETTA SANCHEZ of California, Mr. POE of Texas, Mr. COSTA, Mr. MCCAUL, and Mr. INGLIS.  
H.R. 4653: Ms. FOX, Mr. SAM JOHNSON of Texas, Mr. OLSON, and Mrs. LUMMIS.  
H.R. 4657: Mr. RUSH.  
H.R. 4692: Ms. KILROY.  
H.R. 4693: Mrs. HALVORSON, Ms. KILPATRICK of Michigan, Mr. GERLACH, and Mr. MCNERNEY.  
H.R. 4694: Mr. ELLISON.  
H.R. 4700: Ms. WOOLSEY, Mr. TIERNEY, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Ms. DELAULO, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. RUSH, Mr. LEWIS of Georgia, Mr. BECERRA, Mr. BACA, Mr. GUTIERREZ, and Mr. FARR.  
H.R. 4705: Mr. POE of Texas.  
H.R. 4717: Mr. SIMPSON and Mr. THOMPSON of Pennsylvania.  
H.J. Res. 61: Ms. SUTTON.  
H.J. Res. 74: Mr. FILNER, Mr. HEINRICH, and Mr. HINCHAY.  
H.J. Res. 76: Mr. PAULSEN, Mr. FORTENBERRY, Mr. DENT, Mr. MORAN of Kansas, Mr. BOOZMAN, Mr. BURGESS, Mrs. BIGGERT, and Ms. HERSETH SANDLIN.  
H. Con. Res. 230: Mr. TAYLOR.  
H. Con. Res. 242: Mr. CONYERS, Ms. LEE of California, Mr. GONZALEZ, Ms. CLARKE, Mr. WATT, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. SCOTT of Virginia, Ms. MOORE of Wisconsin, Mr. CLAY, Mr. MEEKS of New York, Mr. CUMMINGS, Mr. JOHNSON of Georgia, Mr. RANGEL, Mrs. CHRISTENSEN, Ms. EDWARDS of Maryland, Mr. RUSH, Ms. CORRINE BROWN of Florida, Ms. WATSON, Mr. RODRIGUEZ, Mr. GRAYSON, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. PASCRELL, Mr. FRANK of Massachusetts, Mr. LEVIN, Ms. JACKSON LEE of Texas, Mr. BUTTERFIELD, Mr. JACKSON of Illinois, Ms. WATERS, Mr. FATTAH, Mr. BACA, Mr. ORTIZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARSON of Indiana, Mr. SCOTT of Georgia, Mr. ELLISON, Mr. RYAN of Ohio, Mr. HIGGINS, and Mr. GRIJALVA.  
H. Con. Res. 244: Mr. BURTON of Indiana, Mr. GOHMERT, Mr. LAMBORN, Mr. BRADY of Texas, Mr. CHAFFETZ, Mr. BISHOP of Utah, Ms. FOX, Mrs. MYRICK, Ms. GRANGER, Mr. GARRETT of New Jersey, Mr. PITTS, Mr. LATTI, Mr. AKIN, Mr. POSEY, Mr. ROONEY, Mr. MARCHANT, Mr. CONAWAY, Mr. HENSARLING, and Mrs. BLACKBURN.  
H. Res. 792: Mr. SHUSTER, Mr. TIBERI, Mr. BACHUS, Mr. HUNTER, Mr. ROONEY, Mr. ROHR-ABACHER, Mr. CASSIDY, Mr. JONES, Mr. HENSARLING, Mr. KINGSTON, Mr. JOHNSON of Illinois, Mr. JORDAN of Ohio, Mr. OLSON, Mr. AUSTRIA, Mr. PITTS, Mr. HARPER, Mr. LANCE, Mrs. BIGGERT, Mr. LEWIS of California, Ms. JENKINS, Mr. BRADY of Texas, Mr. MANZULLO, Mr. MCCLINTOCK, Mr. KLINE of Minnesota, Mr. CAMPBELL, Mr. PENCE, Mr. BILIRAKIS, Mr. MCCARTHY of California, Mr. THOMPSON of Pennsylvania, Mr. LAMBORN, Mr. COFFMAN of Colorado, Mr. AKIN, Mr. PLATTS, Mr. WILSON of South Carolina, Mr. GARRETT of New Jersey, Mr. WAMP, Mr. MARIO DIAZ-BALART of Florida, Mr. ROSKAM, Mr. BUCHANAN, Mr. KING of Iowa, Mr. FORBES, Mr. LUETKEMEYER, Mr. DREIER, Mr. MCCOTTER, Mr. DENT, Mr. COLE, Mr. BOREN, Mr. LUCAS, Mr. FRANKS of Arizona, Mr. TIAHRT, Mr. MICA, Mr. SMITH of Nebraska, Mr. STEARNS, Mr. GOHMERT, Mr. DANIEL E. LUNGREN of California, Mr. GUTHRIE, Mr. FORTENBERRY, Mr. YOUNG of Florida, and Mr. CRENSHAW.  
H. Res. 888: Mr. REICHERT.  
H. Res. 904: Mrs. DAHLKEMPER, Ms. CORRINE BROWN of Florida, Ms. MCCOLLUM, Mr. ISRAEL, Ms. SPIER, and Mr. SCHIFF.  
H. Res. 1016: Ms. SCHAKOWSKY.  
H. Res. 1041: Mr. CHILDERS, Mr. HALL of New York, Mr. KENNEDY, Mr. WALZ, Mr. DONNELLY of Indiana, Mr. CHANDLER, Mr. INSLEE, Mr. KIND, Mr. MATHESON, Mr. NYE, Mr. SPRATT, Mr. ETHERIDGE, Mr. DAVIS of Illinois, Mr. BERRY, Mr. BARROW, Mr. MELANCON, Ms. KOSMAS, and Mr. PETERSON.  
H. Res. 1042: Mr. CHILDERS, Mr. HALL of New York, Mr. KENNEDY, Mr. WALZ, Mr. DONNELLY of Indiana, Mr. CHANDLER, Mr. INSLEE, Mr. KIND, Mr. MATHESON, Mr. NYE, Mr. SPRATT, Mr. ETHERIDGE, Mr. DAVIS of Illinois, Mr. BERRY, Mr. MELANCON, Mr. BARROW, Ms. KOSMAS, and Mr. PETERSON.  
H. Res. 1052: Mr. REYES, Mr. DEFazio, and Mr. CONAWAY.  
H. Res. 1053: Mrs. CHRISTENSEN, Ms. NORTON, and Ms. SCHAKOWSKY.  
H. Res. 1064: Ms. TSONGAS, Mr. MICHAUD, Mr. MURPHY of Connecticut, and Mr. KAGEN.  
H. Res. 1075: Mr. KING of Iowa, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. MOORE of Kansas, Mr. BURTON of Indiana, Mr. BROWN of South Carolina, Mr. HILL, Mr. PETERSON, Mr. SMITH of Nebraska, Mr. ROONEY, Mr. WITTMAN, and Mr. TAYLOR.  
H. Res. 1086: Ms. MCCOLLUM.  
H. Res. 1088: Mr. MORAN of Virginia.  
H. Res. 1100: Mr. HASTINGS of Florida.  
H. Res. 1102: Mr. SCOTT of Virginia.  
H. Res. 1103: Mr. DAVIS of Tennessee, Mr. GRIFFITH, and Mr. BARTON of Texas.  
H. Res. 1104: Mr. PAYNE and Mr. TOWNS.  
H. Res. 1116: Mr. BISHOP of Georgia, Mr. KIRK, and Mr. TOWNS.



*March 3, 2010*

CONGRESSIONAL RECORD—HOUSE

**H1105**

H. Res. 1119: Mr. PATRICK J. MURPHY of Pennsylvania and Mrs. MYRICK.	H. Res. 1127: Mr. HIGGINS, Mr. STARK, Mr. REYES, Mr. LEVIN, Mr. ETHERIDGE, Mr. TANNER, and Mr. CARNAHAN.	H. Res. 1128: Mr. HOLDEN, Ms. WATSON, Mr. TANNER, and Mr. CARNAHAN.
H. Res. 1120: Mr. CUELLAR.	SCHIFF, Ms. LEE of California, Mr. BECERRA, and Mr. VAN HOLLEN.	
H. Res. 1124: Mr. MARIO DIAZ-BALART of Florida.		H. Res. 1133: Ms. EDWARDS of Maryland.